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ABSTRACT

This report presents information from a 1997 community forum of the Vermont Advisory Committee on racial harassment in Vermont public schools. Parents, students, teachers, administrators and community and advocacy group representatives offered their views on racial harassment in the public schools, describing them as hostile and unfriendly places wherein racial slurs, epithets, and physical assaults occurred. The committee concluded that: racial harassment was pervasive in and around Vermont's public schools, and elimination of this harassment was not a priority; coordinated leadership by elected officials, business leaders, and education officials was needed to improve racial relations; existing state law was deficient in addressing these problems; staff shortages and limited resources available to the Vermont Department of Education made it difficult for the Department to set the elimination of racial harassment as a statewide priority; and the Vermont Human Rights Commission had insufficient resources to effectively address reported racial harassment incidents. Recommendations for each of these problems are presented. Relevant letters, policy, and legislation are appended. (SM)

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Racial Harassment in Vermont Public Schools

Vermont Advisory Committee
to the United States
Commission on Civil Rights

February 1999

This report of the Vermont Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in this report should not be attributed to the Commission, but only to the participants at the community forum, other individuals or documents cited, or the Advisory Committee.

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Letter of Transmittal

Vermont Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission
Mary Frances Berry, Chairperson
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Russell G. Redenbaugh

Ruby G. Moy, *Staff Director*

The Vermont Advisory Committee submits this report of its community forum on racial harassment in Vermont public schools held on November 4 and 5, 1997, in Burlington and Rutland. In 1996 the Advisory Committee learned that racial slurs and physical assaults were repeatedly directed at minority students in both elementary and secondary schools. The Committee also received allegations that some schools permitted a racially hostile environment to exist and, in some instances, encouraged school activities or employed curriculum materials that were derogatory to minority students. At its 2-day forum, the Committee sought to collect information regarding these and other incidents from State and Federal officials, school officials and teachers, community leaders, parents, and students.

Thirty-six panelists offered their views of racial harassment in the public schools. Many described the public schools as unfriendly and hostile, a setting wherein racial slurs, epithets, and physical assaults occur. This environment leads minority students to experience fear in every day school activities and contributes to their general ostracism from the total school community. The Committee is deeply concerned for the safety and welfare of all students, particularly minorities, who at times must confront these acts without assistance from school officials and State agencies.

The number of panelists at the forum represents a small fraction of persons invited by the Advisory Committee to participate in the discussion. Despite the Advisory Committee's substantial outreach efforts to State legislators, educational union representatives, and school administrators, the Advisory Committee noted the absence of many key figures in the educational community who could have contributed information to the Committee but chose not to. Their absence and apparent lack of interest in the problem, the Committee believes, reflect a general indifference to the problem of racial harassment.

Based on information gathered at the forum and followup research, the Committee concludes:

- Racial harassment appears pervasive in and around the State's public schools. The elimination of this harassment is not a priority among school administrators, school boards, elected officials, and State agencies charged with civil rights enforcement. In some instances, administrators and government leaders have denied the existence of the problem and do not acknowledge the need for improvements in overall race relations within the State. As the numbers of minority students increase, there will be a concurrent rise in the number of racial harassment incidents that will not be adequately dealt with by school administrators and State civil rights enforcement agencies.

- Coordinated leadership by elected officials, business leaders, and education officials is needed to bring about improved race relations.

- Existing State law is deficient in addressing the problem of racial harassment on a systemwide basis and does not grant the Vermont Department of Education direct oversight responsibility of supervisory unions and local school boards with regards to racial harassment issues. This greatly inhibits the department's ability to impose sanctions in the event particular boards fail to develop or implement antiharassment policies and procedures.

- Staff shortages and limited resources available to the Vermont Department of Education render it difficult for the department to set the elimination of racial harassment as a statewide priority, conduct statewide assessments of the effectiveness of local efforts to promote bias-free school environments, and offer training and technical expertise to schools.

- The Vermont Human Rights Commission, the only State agency specifically empowered to investigate racial harassment incidents, does not have sufficient resources to effectively address racial harassment incidents once they are reported. When complaints are made to the agency, parents of minority students experience long delays between the time a complaint is filed and commission action, and are not informed of the status of their complaints. These undue delays have not only frustrated parents but continued to inflict psychological damage on students who daily confront harassment on school grounds.

This report brings to the forefront an important, yet often neglected issue, and offers useful recommendations to State officials, school administrators, and civic organizations. We believe this report contributes to the Commission's efforts to monitor equal educational opportunity at the national level. The Committee has adopted its report in a recorded poll of all members by a vote of 13 to 0, no abstentions.

Respectfully,

Kimberly B. Cheney, *Chairperson*
Vermont Advisory Committee

Vermont Advisory Committee to the U.S. Commission on Civil Rights

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Dr. Samuel B. Hand, who served on the Committee during the development of the project and the holding of the community forum, contributed significantly to the early draft report. John Wu, also a former member of the Advisory Committee, participated in the development of the project concept.

*These members were appointed to the Advisory Committee in July 1998.

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The Committee gratefully acknowledges the contribution of Charles Johnson, who as project subcommittee chairperson, assisted staff in developing the project proposal. The Committee also wishes to thank Harvey Golubock, executive director, Vermont Human Rights Commission, and William Reedy and Karen L. Richards, legal counsel, Vermont Department of Education, for their suggestions during affected agency review.

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Chapter 1

Introduction

> I urge you to please develop a sense of urgency about racism within our schools. All of our children are being diminished. If you are in a position to receive this report, you are most likely in a position to do something about it. You have an obligation to all children to be a catalyst for change. Don't allow the legacy that parents of children of color have had to pass on to each generation continue, the legacy of picking our children up at 2:30 and attempting to repair the damage that has been done to them during their school day. Racism is not a problem or an issue; it's a way of life.
>
> – excerpt from parent testimony[1]

On the evening of June 25, 1997, a 13-year-old African American boy was beaten with a baseball bat outside a Burlington mall by several white teenagers, who witnesses claim shouted racial remarks at the victim.[2] A week before the attack, community leaders in Burlington sponsored a forum to discuss race relations and ways to end racial harassment in the surrounding community. The forum was spearheaded by support groups and community action organizations that for many years have expressed concern for the safety of minorities and have voiced their belief that overall race relations in the State have deteriorated.

These organizations, formed to serve Vermont's expanding minority population, have monitored the rise in the number of racial harassment incidents against minority youth, some of which occurred in and around Vermont public schools.[3] Although the number of actual incidents is not available, the Vermont Human Rights Commission, the Vermont Department of Education, and community groups have documented numerous cases of racial harassment directed at students of all ages. These include physical and verbal assaults against minority elementary school students, racial harassment of an African American high school student by athletic team members, and racial epithets directed at a biracial student.[4] It is alleged that these incidents are a small sample of the kinds of racial harassment that occur in the public schools.[5]

It has also been reported that some school administrators have shown a reluctance or unwillingness to take necessary action to prevent these incidents. In some cases, the Vermont Human Rights Commission found that although school officials were aware of the harassment, schools failed to put a stop to the conduct or did not take appropriate steps to redress the systemic problem of continuing racial harassment.[6] In one case, over a several year period, parents of a minority elementary school student reported incidents of racial harassment to the school administration, which responded to each incident. When the child's parents asked the school to take broader remedial action, no additional action was taken until the student was subjected to five incidents in a 2-week period.[7] It was only after these incidents that the school contacted the parents of the harassing students and threatened to impose harsher disciplinary action against the students.[8] However, the minority student felt he had to avoid certain groups of students at the school in order to prevent himself from being harassed.[9] In a similar case, the parent of a biracial student reported incidents of racial slurs to school administration, which issued a warning to the students involved.[10] During the subsequent school year, one of the perpetrators again harassed the minority student; however this time, school administrators refused to issue additional sanctions other than a warning since this incident occurred in a new school year.[11] School administrators also refused to schedule schoolwide seminars or diversity training despite the urging from the parent of the harassed student.[12]

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[1] Leslie McCrorey Wells, testimony before the Vermont Advisory Committee to the U.S. Commission on Civil Rights, community forum, Burlington, Vermont, Nov. 4, 1997, Burlington transcript (hereafter cited as *Burlington Transcript*) p. 282. The transcript of these proceedings is on file at the Commission's Eastern Regional Office.

[2] Shay Totten, "Rebuilding Racial Harmony," *Vermont Times*, July 9, 1997, vol. 7, no. 28; and Lexis/Nexis State News Service, "Minority Leaders Charge Racism," June 27, 1997.

[3] *See* Lexis/Nexis State News Service, *Vermont*, June 17, 1996, Kristin Bloomer, "New Group Vows to Fight Racism," *Rutland Herald and the Sunday Times Argus*, June 16, 1996.

[4] Susan M. Sussman, former executive director, Vermont Human Rights Commission., written statement presented to the Vermont Advisory Committee to the U.S. Commission on Civil Rights, May 15, 1996. A copy of the statement is on file at the Commission's Eastern Regional Office.

[5] Ibid.

[6] Ibid.

[7] Harvey Golubock, director, Vermont Human Rights Commission, testimony, *Burlington Transcript*, p. 56.

Prompted by incidents such as these, government officials and community organization representatives urged lawmakers to adopt legislation prohibiting racial harassment in the State's public schools. In an effort to ensure that the State's public schools maintained safe learning environments, the legislature passed in 1994 a State law prohibiting unlawful harassment of students.[13] This law (known simply as the Anti-Harassment in Education Act) requires school boards to develop and adopt a harassment policy and procedures that include:

1. A statement prohibiting unlawful harassment of a student.
2. A definition of harassment.
3. Consequences and appropriate remedial action for staff[14] or students who commit harassment.
4. Procedures for reporting harassment of students, including the designation of two or more persons within the institution to receive complaints.
5. Procedures for publicizing the availability of the Vermont Human Rights Commission and the U.S. Department of Education's Office for Civil Rights.
6. A statement that acts of retaliation for reporting harassment or for cooperating in an investigation of harassment are unlawful.

In implementing this law, school districts were given the option of developing and initiating age-appropriate programs to effectively inform students and staff about the substance of the policy and procedures (see appendix 1).

Subsequent to the adoption of the Anti-Harassment in Education Act, the Vermont Department of Education developed a model harassment policy for school boards to adopt and administer in their respective districts (see appendix 2). The model policy, developed in conjunction with other State agencies and community groups, supplemented the law by adding the following elements: (a) definitions of unlawful harassment and sexual harassment, (b) a distinction between voluntary and mandatory reporting, (c) a duty to act when a school district encounters discrimination, (d) a prohibition against retaliation for reporting harassment incidents, (e) the option of designating an equity coordinator in each school district/supervisory union, (f) a confidentiality requirement, (g) an informal resolution process, (h) appeal procedures, and (i) training methods. The Department of Education distributed information and materials to assist school districts to implement the polices and procedures as required under the law.[15]

In early 1997, the U.S. Department of Education's Office for Civil Rights (OCR) received anecdotal information from parents and community leaders that racial harassment incidents were occurring in the Burlington area, which had experienced unprecedented increases in minority student population. These concerns prompted OCR in May 1997 to initiate a "Profile, Assessment, and Resolution" (PAR) review[16] of the Burlington school district based on claims that incidents were not being effectively addressed by the district.[17]

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[8] Ibid.

[9] In this case, the Vermont Human Rights Commission reached an agreement with the school and parents. The parents were paid a monetary award, and the school implemented procedures to prevent reoccurrence of the harassment. Ibid., pp. 56–57.

[10] Ibid., p. 54.

[11] Ibid., pp.54–55.

[12] Ibid., p.55.

[13] VT. STAT. ANN. tit. 16, § 565 (1997).

[14] Staff is defined as teachers, support staff, agents of the school, school board members, and unpaid volunteers. Ibid.

[15] Paul Fassler, legal counsel, Vermont Department of Education, testimony, *Burlington Transcript*, p. 72.

[16] A PAR review is a method to review a school systems' title VI and title IX compliance. The goal of the racial harassment PAR review is to initiate changes in the district that would enhance educational opportunity and ensure an

The focus of OCR's review was to determine (1) whether students were treated differently on the basis of their race and (2) whether differing degrees of discipline were applied to minority students.[18] As part of the week-long review, OCR conducted a series of meetings with administrators, teachers and staff from the Burlington school district, members of the Burlington School Board, and students and their parents. In focus group sessions[19] with parents, among other claims, they alleged that the district failed to provide adequate resources to address harassment issues and support minority students. In addition, they claimed that the district failed to communicate efforts to address issues of diversity and racial harassment and at best provided "ineffective, sporadic, and superficial training on diversity issues."[20] They also expressed their belief that the faculty did not respect minority students.[21]

Following the review, the school district and OCR entered into an agreement to resolve these and other issues. Under the agreement OCR will continue to monitor the Burlington district's implementation of improvements over a 1-year period (see appendix 3). Independent of their review of the Burlington school district, OCR asked each school board in the State to provide copies of their model harassment policies so that OCR could determine each district's policy. OCR found that in several instances some school districts had failed to adopt any policy and that many districts had drafted policies that neglected to include essential elements as suggested by the State.

The Vermont Advisory Committee

Throughout 1996 and 1997, the Vermont Advisory Committee held three briefing sessions with Vermont Department of Education officials, community groups, and parents of minority students.[22] Presenters at these meetings informed the Committee that although the Anti-Harassment in Education Act required school boards to adopt antiharassment policies and procedures by August 1, 1995, many had not complied with the law. In addition, they alleged that State officials had collected little information regarding which districts were in compliance with the law or had developed effective policies as suggested in the State model.

Representatives from the Mt. Elmore Institute, a private consulting organization, reported that the number of racial and sexual harassment incidents in Vermont schools were frequent and common.[23] They claimed that many administrators, staff, and teachers were poorly prepared to address the incidents, and at times exhibited a deep reluctance and hostility to harassment issues. In addition, when teachers and administrators permitted hostile environments to continue, they observed students were being taught to ignore or take part in harassment incidents.

The Advisory Committee heard of allegations involving particular schools permitting a racially hostile environment to exist and, in some instances, encouraging activities that were derogatory to minority students. The Advisory Committee also learned of the establishment of an "anti-racism hotline"[24] and efforts by the African

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educational environment free from harassment. The office conducts investigative interviews and focus groups with school officials, students, parents, and community leaders before issuing recommendations to the school board for action.

[17] This characterization is based on information received from OCR. However, superintendent of the Burlington school district, Donna K. Jemilo, offers a different interpretation of the reasons for OCR's review. *See* app. 11.

[18] U.S. Department of Education, Office for Civil Rights, draft recommendations to Burlington school district related to discipline and racial harassment, May 16, 1997. A copy of the draft recommendations is on file at the Commission's Eastern Regional Office.

[19] On May 12 and 13, 1997, OCR hosted two community dialog sessions at Edmunds Middle School in Burlington.

[20] U.S. Department of Education, Office for Civil Rights, draft recommendations to Burlington school district related to discipline and racial harassment, May 16, 1997. A copy of the draft recommendations is on file at the Commission's Eastern Regional Office.

[21] Ibid.

[22] Briefing sessions were held on May 15, 1996, May 13, 1997, and Aug. 28, 1997.

[23] Mt. Elmore Institute, written material submitted to the Advisory Committee at its May 15, 1996, planning meeting. A copy of the material is on file at the Commission's Eastern Regional Office.

[24] Established in 1996 by the Vermont Anti-Racism Action Team, the hotline allows parents and students who are victims of harassment to speak in confidence with counselors.

American Advisory Committee to the Vermont Department of Health for the classification of school-based racism as a public health issue.[25]

These developments prompted the Advisory Committee to undertake a project titled "Racial Harassment in Vermont Public Schools" to gather information from State officials, community leaders, parents, and students. The Advisory Committee hoped that its efforts would contribute to the Commission's continuing efforts at addressing racial bias in the Nation's communities.[26]

On November 4 and 5, 1997, the Advisory Committee held community forums in Burlington and Rutland.[27] In addition to Burlington mayor Peter Clavelle,[28] participating panelists included representatives from the Vermont Department of Education, State Human Rights Commission, the University of Vermont, school teachers and administrators, and parents of minority students.

Throughout these forums, parents and students reiterated their belief that some Vermont schools are unsafe learning environments for minority students and many viewed safety as their primary concern. As stated by one parent:

> Racial harassment in all its forms, including taunts, repeated use of the N word, as well as physical assaults, have been the norm rather than the exception during my children's school career. ...Nearly on a daily basis, my daughter was called the N word, was punched, kicked, and spat at.[29]

To quote one parent:

> The main concern I have is the safety of my children. They can go to school and not learn anything, but if they come home alive, I've got a chance. ...They cannot learn if they spend all their time looking after their safety.[30]

As will be shown in the following report, parents of minority students, teachers, and community leaders expressed similar concerns at both forums and reported instances of racial harassment (including racial epitaphs and physical abuse) directed at minority students of all ages. In addition, some parents claimed that some school districts have not adequately responded to incidents of racial harassment and that existing State law is deficient in addressing the problem on a systemwide basis.

This report is based on forum panelist presentations and supplemented by followup research. Chapter 2 of this report offers edited statements made by panelists and members of the public. In addition, this chapter describes the Committee's efforts to solicit information from government officials, school administrators, and staff who chose not to attend the forum. Chapter 3 provides an overview of the Vermont public school system and describes the respective roles of State agencies that monitor racial harassment incidents such as the Vermont Department of Education, State Human Rights Commission, and the Attorney General's Office. Also included are a description of State demographic information, elementary and secondary school enrollment data, and mention of recent State educational funding legislation in the context of school quality standards. Finally, chapter 4 presents the Committee's conclusions and recommendations.

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[25] African American Advisory Committee to the Vermont Department of Health, recommendations to the Commissioner of Health, October 1997. A copy of the recommendations is on file at the Commission's Eastern Regional Office.

[26] The Commission has addressed the issue of racial bias and its effects on equal educational opportunity in a variety of publications, some of which include: *Racial and Ethnic Tensions in American Communities – Poverty, Inequality, and Discrimination – A National Perspective* (1992), *Intimidation and Violence – Racial and Religious Bigotry in America* (1990), *Bigotry and Violence on American College Campuses* (1990). The Commission's State Advisory Committees have similarly monitored race relations and educational issues. *See Fair and Open Environment? – Bigotry and Violence on College Campuses in California* (1991), *Campus Tensions in Connecticut – Searching for Solutions in the Nineties* (1994), *Racial and Ethnic Tensions in Florida* (1996), *Bigotry and Violence in Georgia* (1989), *Race Relations and Equal Education Opportunities at Proviso West High School* (1996), *Racial and Religions Tensions on Selected Kansas College Campuses* (1992), *Campus Tensions in Massachusetts – Searching for Solutions in the Nineties* (1992), and *Bigotry and Violence on Missouri's College Campuses* (1990).

[27] A transcript of these proceedings is on file at the Commission's Eastern Regional Office. All quotes in this Advisory Committee report, unless otherwise noted, are taken from this transcript.

[28] An edited version of Mayor Clavelle's remarks is presented in app. 6.

[29] Jackie Hickerson, testimony, *Burlington Transcript*, p. 153.

[30] Anne Borys, testimony, *Burlington Transcript*, pp. 23–24.

Chapter 2

Presentations by Parents, Students, Teachers and Administrators, and Community and Advocacy Group Representatives

Introduction

At the 2-day community forum, 36 panelists offered their views of racial harassment in the public schools. Presenters included invited panelists and individuals wishing to offer information to the Committee during the forum's open sessions.[1] The presentations have been arranged according to three subject headings: (1) parents and students, (2) teachers, school administrators, and support personnel, and (3) community and advocacy group representatives.

Each section includes a listing of presenters, a brief introduction, their edited statements,[2] and a summary of the major points of each group's presentation. Participant statements have been edited by the Advisory Committee for readability and overall organization within the chapter and have been reviewed by the participants for accuracy.

The number of presentations at the forum represents a small fraction of persons invited by the Advisory Committee to participate in the discussion. The Advisory Committee made substantial outreach efforts to obtain a balance of viewpoints from a wide range of perspectives. The Committee contacted a total of 5 State legislators, 11 Federal and State agency representatives, 4 educational union representatives, 16 school administrators, 23 advocacy organization representatives, 18 parents, and 5 students and urged them to attend or share the invitation to the forum with others. In addition, the Advisory Committee contacted over 15 school principals (particularly in and around the Burlington and Rutland area) to seek information on their efforts to eliminate harassment within individual schools.

Despite these efforts, the Advisory Committee noted the absence of legislators, school administrators, and union representatives at both forums. The Committee's efforts to solicit input from these individuals continued throughout the 2-day forum as both staff and members made numerous telephone calls to confirmed panelists who did not appear at the event.

All individuals invited to the forum but who were unable to attend were given an opportunity to submit their written contribution to the Committee. In response to this request, only Michael Obuchowski, speaker of the Vermont House of Representatives, and the National Education Association of Vermont provided written responses to the Committee's inquiry, which are presented in appendices 4 and 5, respectively.

Parents and Students

Eighteen parents and three students made statements to the Advisory Committee during the 2-day forum describing incidents of racial harassment that included racial remarks and physical assaults on minority students.[3] The panelists also called into question responses to these incidents by teachers, school administrators, and State agency representatives. Table 2.1 lists the parents and students appearing at each session.

Parents and students described in detail racial harassment incidents occurring throughout the State's primary and secondary school system. They also raised the following issues: (1) lack of respect or empathy shown by teachers and administrators to minority student concerns, (2) the use of curriculum materials promoting racial stereotypes, (3) a presumption by teachers/administrators that minority students are involved in criminal activity, (4) unsatisfactory school-based responses to racial harassment incidents, and (5) an overall climate of racism that exists in the State. The presenters discussed methods to enhance a climate of tolerance and respect for minority students, and offered suggestions for schools on ways to establish an appreciation of cultural diversity.

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[1] Officials from the Vermont State Department of Education and Vermont Human Rights Commission also made presentations at the forum. Their presentations, however, are incorporated in chapter 3.

[2] As a guide for the reader, major topic headings contained in each presentation are listed in italics following presenter names. Names of individuals and particular schools have been deleted when presenters made potentially defamatory statements.

[3] Some parents presented in both their capacity as parents and as employees of various Vermont State agencies.

Table 2.1

List of Parent/Student Presenters

Burlington Session
Ann Borys
Judith Blank
Diane Dexter
Bernie Henault
Jacklyn Hickerson
Jeanne Marie Schinhoffen
Renee Shippee
Mark Davis Jr *
Brandon Davis *
Philip Davis *
Mark Davis Sr
Joya Davis
Ayana Al-Faruk
Leslie McCrorey Wells
Leigh Lamphere

Rutland Session
Mary Allen McMaster
Barbara Linton
Lyndia Cobbett
Judy Adame
Judy Amado
Maria Pelligrino

* *Student*

Ann Borys[4]

Safety issues, Physical assaults on minority students, Lack of respect for minority student concerns

I adopted five children, two African American, two Asian, and one Indian. My husband and I work endlessly taking care of these kids. It's a devotion, and so we take their issues as our issues. Adopting a child is a very emotional event, and adopting outside of your race and your culture brings a whole different set of responsibilities. I am not separate from my children's issues. I know what they've been through, and I tell their stories today with their permission. So I'm here to represent not just my children but all the mothers in Vermont who are raising children of color. This is an extremely difficult thing to do in our society. I can't tell you how many hours of the day are consumed by this. I have to read, I have to study, I have to know more than the teachers of my children.

The way we have talked about it is that race is a climate. There is no such thing as someone not having a racial experience. Everybody has a racial experience. For my kids, it's been a difficult climate. The only forum for race in our school is the bathroom, the playground, and the school bus. This is where race is discussed, this is where race is worked out, and this is where race takes on much more than just the color of one's skin. The discussion about race is also a discussion about culture.

The race issue starts immediately when children are infants. When my boys were in day care, I saw two teachers pointing at a child who is white and saying, "Look at that boy, he's so strong, he's so able, etc." They turned and said about my son, "He's so wild, he's so out of control, he's so mean spirited." These two boys were 6 months old. And I realized then how even the people who take care of the children are already beginning to feed part of this racial nonsense to them.

By the time the kids got to school I was very worried about what their experiences would be, and so I tried to find out what it's really going to be like for them before I sent them into the pit and expected them to survive. I found the names of 10 people of color who had graduated from the school that my children would go to, and I wrote to each of them and asked them to describe their experiences. Every one of them responded and stated they hurt terribly from their experiences. I asked them what it was that they felt that they were missing, every one of them told me, "My mother never believed it was as hard as it was."

So by the time I sent my kids to school, I was pretty scared about what was going to happen to them. Instead of waiting until something happened I talked to the teachers and told them my children will be attending this school and they will be treated as who they are.

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[4] Borys testimony, *Burlington Transcript*, pp. 12–46

And it started the first week in school. My kids would often have to do much more work to accomplish the same goal. This is one of the stories of race in Vermont. A child of color, to achieve the same place as everybody else, has got to do so much more to get there. I myself can't do anything but protect my five children as best I can, but there are other children out there and even white children need to be protected from racism. It does us no good to raise up a whole State of baby bigots. We need a very different and much more inclusive program. It's not enough to send your kids to school and demand their acceptance, and for the school to respond by making them white like all the other kids. We have to make room in our school for other people for them to be heard, accepted, liked for who they are, and begin to understand other cultures.

The main concern I have is the safety of my children. They can go to school and not learn anything, but if they come home alive, I've got a chance. But if they go to school and they are hurt endlessly, then the discussion that I have is always about them being hurt. My kids aren't just going to school in grammar school or high school, they're going to college. And I think it's the school's responsibility to meet me halfway to make sure that they're ready for school. They cannot learn if they spend all their time looking after their safety.

I no longer work because of some of these things. When my daughter was in kindergarten, I went to a day care to see if it would work out for my kids, and the first question I asked was, "What is your policy for racial problems?" They claimed not to have problems. While I was talking with my children, they had a racial experience. A troubled child grabbed my daughter by her braids and smashed her head into a cement wall and said, "I'm not living in no town and going to no school with no black kids." Now my kids were terrified and they didn't know what to do. At that point, I come around the corner from my meeting in which everybody was telling me they have no racial problems at this child care center, and my kids wanted to go home. The next morning while combing her hair I put my hands around her head and discovered that there was blood oozing from between her braids. Well, how can you then take your child back to this day care and say, sure, try again. That was the end of working for me. Although this happened at a day care center and not in the public school, that child now goes to the same school my child goes. Recently this same child was walking up and down the hall where my kids were walking, and he would find every opportunity to harass my kids until they were terrified. I would talk to the teachers and they would say this didn't happen on school property and we can't do anything about it. My response is that fear exists on school property and my daughter belongs in that school, and she's not having the same experience that the other child is having.

Lice is rampant in our schools. I got a call from the school asking me to get my daughter because they claimed she had lice. The teachers claimed she had a different kind than what they have seen before and could infect the whole school. In reality her unusual lice was not lice at all but sand from the sand box. Their reaction is so out of proportion; my daughter was isolated and terrified. The school scared all the kids about her.

Another troubled youngster began beating on my kids in kindergarten, kicking, hitting, pushing, shoving, name calling. My children's freedom was curtailed because of the other child's ability to strike out at each and every corner that he wanted to. I would talk to the teachers, who offered that my son could sit in front of the classroom. I want my son to be able to sit where he wants and to have the same rights that the other children have. Well, the kicking became more and more insistent and one day I found my son on his hands and knees looking through the bathroom door to check to see if it was safe to go inside without looking.

Again, everything was done to curtail my son's freedom, not the other boy's freedom. That child's family made no bones about the fact that they were racists. One day my son came home with two black eyes. He was so upset that he could hardly walk. He had rings of blood inside both of his nostrils, and inside his mouth was a ring of dried blood. He told me this other child had kicked him in the hall and all the children saw this. That family is proud of its racism; in fact they send their kid to karate school. The kid goes and is being taught how to be a good fighter and has learned to use my kids as a battering

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ram for years now. I figured the next time my son's going to be dead. I called up the principal and teacher who said they knew nothing about it. What happened was that the line in the class turns a corner and the kid marched backward towards my son, hit him and kicked him there, and then the class continued to go. There were other adults who claim they never saw it, but I don't think they even looked. They all went in the classroom, and he tried to tell the teacher, "I'm having a bloody nose," and she kept saying to him, "Now you be quiet, you're being a real pain in the neck." And he's really frightened because this other boy is still in the classroom and making faces at him.

DISCUSSION

MR. TUCKER: How many times over the last 7 years have you been before various authorities that are responsible for the school?

MS. BORYS: Oh, more than 50. I see them regularly and have spoken to the school board. I called the State Police and described our situation. I told the detective that my child had continually over all of these years been assaulted, that now it had reached a new level. The other child was much more dangerous and my kid wasn't capable and didn't wish to fight back. You know, my son is saying to me, what would Gandhi have done?

MR. TUCKER: You took this tack because you not only felt the schools and the community, but that the police themselves would not have paid any attention to this matter if you had said it was a child of color?

MS. BORYS: People are just not interested in the situation. They would not respond at all if I said it was about race. It was the trooper who went into the school who stated that it was about race. That was only the beginning of us being able to get help for my child and other children. It wasn't just my kids he was beating up, he was beating up my kids first. While this business of an assault was going on with my son, I realized that part of the problem was that people really didn't understand my kids. I tried going into the class with a dozen multicultural books and leave them for the teachers and the children. I'd go during black history month and read stories. We found that there were several problems with this whole idea of the schools being all white. One thing was the refusal of the children and teachers to call my son, Samir, his name. They wouldn't call him his name. They'd call him all kinds of things and the kids were teasing him. They'd call him Sampson, anything that began with an S, but they wouldn't say "Samir." I went to the teacher and explained that he's so proud of his name and who he is, he's got to be called by his name. At the end of the year Samir, in frustration, brought home his report card and threw it on the table and on the back of his report card written by the teacher across the report card is: "to the boy with many S names." At the end of the year the teacher still would not say his correct name.

Judith Blank[5]

Transracial adoption of minority children, Methods to enhance a climate of tolerance and respect for diversity

I am the parent of a daughter of color and an adoption social worker for the State of Vermont. I place children throughout the State and train adoptive parents to be as proactive for children as they can be. I want to respond to the person from the Human Rights Commission who asked for the results of one of the suits. First of all in that suit, the money was used mainly for therapy. It was not used to pay back for the insults or whatever had happened. While the suit was going on, or the investigation was going on, parents gathered in the school and said, "What can we do?" Out of the settlement a diversity committee was formed in the elementary school. A local agency got a 3-year grant, which provided us with a diversity specialist in the school 2 days a week who was available to teachers. The teachers that were interested in the beginning were teachers who were more enlightened. There are many teachers who said, "There's no problem here." We looked at a goal of having zero tolerance of incidents, but the philosophy of the committee in the school was to go beyond tolerance and celebrate all children.

When an incident occurred, all parents of all the children were informed. This did not happen in the past. As children of color, who were harassed, had to face the older kids and were forced to tell them how the incident hurt their feelings, as the school was desirous of helping kids who are really ignorant. When I said, "It's not my daughter's position in 1st grade to educate teachers and other kids on issues of religion and color," the school started taking a more global look at the issue.

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[5] Blank testimony, *Burlington Transcript*, pp. 114–19, 129–33. As a supplement to their testimony, Ms. Blank and Ms. Diane Dexter submitted a letter to the Committee, which is shown in app. 8.

The diversity committee also addressed policies from the principal and the superintendent that they were developing, whether this was racial harassment or sexual harassment or discrimination. I think it's important to be inclusive of all children. We have to educate all children on the issues. If I had a wish list, I would want the Department of Education to set up a program to bring in student teachers who themselves are from minority groups, because our kids are not seeing adult role models for children of color. I think some parents also have to take responsibility. In central Vermont many children of color have been adopted by white parents and many of these parents feel racism doesn't exist. When the child comes into the public school they often are shocked and surprised and feel the school should solve all of society's problems.

My daughter's now in middle school for the first year. I feel like I'm back at ground one. We have to start over and build up what we had in the elementary school because we had support personnel that were focused. It wasn't just people saying. "We have a problem," rather it was "What can we do for a solution." "What can we do to support the principal, teachers and staff."

DISCUSSION

MR TUCKER: So you're telling me that what went on with the elementary school did not permeate into middle school?

MS. BLANK: No, it did not. I think in the high school it's working because there were teens who were active. The middle school, like everything else in education, just seems to get lost between the two.

DR. JOHNSON: It seems that we can ask every school what are you doing to celebrate each individual child. Could you give us some examples of your ideas?

MS. BLANK: For 4 years I went to my daughter's classroom twice a month, and if I brought materials, it wasn't just Indian materials. It wasn't just adoption materials. I brought a story on chess that took place in the Orient. Things like a holiday pageant instead of a Christmas show became four little plays. One was Buddhist, one was a Hanukkah story, one was a Kwanzaa story, and one Christmas story. Kids crossed lines. The kids of color in that school did not go to Kwanzaa, they went to other activities. It's not because you're this you have to then teach this or be this. You should be interested in everything.

When she was in the younger elementary years, we brought cooking in from different countries. I resent being a Jewish parent that is always viewed as Ms. Hanukkah. They always say, "Hanukkah's coming up, can you do something?" Why is it just me? Why can't the teacher or someone else bring that up? If I'm supposed to bring the Asian-Indian culture and have my child respect herself and I'm white, then other people should be able to do things too.

Diane Dexter[6]

Efforts to assist adoptive families of minority children, Teacher and peer treatment of minority students

In my role as the adoption specialist for the State of Vermont, I see a number of children who are adopted transracially. In the past 6 years, there is a steady increase in the number of minority children adopted by Caucasian parents in Vermont. And many of them are still very young. They're hitting 5 and 6 years of age. Every year all of the agencies in Vermont put together a conference, and in the process of this conference we realized that many parents, as their children were getting older and hitting the school systems, were not prepared to help their children deal with the school systems and with the larger population. We've put workshops in place, and the agencies have a screening process to help families before they adopt a child of color and begin to think what the issues are in order to help their child into adulthood as a healthy person of color.

At the adoption conference—every year we bring someone in who will do hands-on training for families. I've received many phone calls from parents who have adopted children of color saying, "Where can I go to get my daughter's hair cut and braided?" And these questions are very real for these families. And we now have developed resources. We're pointing them in that direction and they are getting more educated. At the conference I spoke with adoption agency representatives and together we came up with a handbook for parents that would address this issue. As part of our licensing regulations, agencies have to sit down and give every adoptive family this information. Whether they practice it or not, is another question.

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[6] Dexter testimony, *Burlington Transcript*, pp. 119–31.

I have two African American children, and my oldest daughter is 6 years old. She entered the public school system this year for the first time. I anticipated she would have a wonderful experience. On day four of her education she didn't want to go back! There were children in her class and outside of her class who had threatened and intimidated her and made fun of her because of the color of her skin. When my daughter came home she did not want to go back to the school. She said to me, "I feel like I'm a ghost. I feel invisible; nobody sees me." We had a meeting with the teacher and some good things have happened. My daughter's teacher is a wonderful young woman in her first year of teaching. I don't think she's had any opportunity to experience a child of color in her class or in her life. My little girl sat in the cafeteria for over 3 weeks, did not eat her lunch, and sat with the tray in front of her all by herself with her head down. She was afraid. Children had said to her, "Shut your mouth." They used the F word to her, and she was afraid. When the teacher divided up the class for circle time, my daughter was always on the outside. She's separating herself from the rest of the students and doesn't want to be a part of this group. I said to the teacher, "Here's what you can do. Be my daughter's partner. Call her name out and hold her hand. Show your students that you value my daughter and is important to your school." I asked the school administrator, have your teachers say, "Good morning, how are you today?" When they see my daughter walk down the hall, speak to her. There's a lot of work that has to be done. It doesn't have to cost a lot of money. I'm concerned that it will take committees doing research. You know, hey, that's my great grandchildren you might touch. My little girl is in your public schools here in Vermont right now and I don't know what's happening to her. I've worked with the teachers; I'm working with the principal, and they seem responsive, interested, caring, and willing to do something.

Here are some of the things the school has done. They do acknowledge her every day. They are holding her hand. The principal has gone and sat with her in the cafeteria, has invited other children to come and sit with her. The 5th/6th grade class decided early in the year that they would do their study project on Africa.

Parents have to invest in the community and say to themselves, even if my child is white, I should be involved in the school and care about what's being taught there and going on.

DISCUSSION

MR. CHENEY: The positive thing is that the other parents saw this as a problem for their kids and not just your kid. I want to know whether you had that experience too.

MS. DEXTER: Yes. I spoke with several other parents of children in my daughter's class, and I observed some incidents on the playground where one of their children, who's a Caucasian child, was put to the test. He had to choose between being a part of the game and playing or being my daughter's friend. He stood there and he cried. When his parents learned of that experience, they were appalled. And they also called the school and said, "This has got to stop now and none of these children are to have this experience."

Bernie Henault[7]

Inappropriate lesson plans,
Recommendations to the State Board

Nine years ago I went to the school board meeting in Newport, Vermont, for the K through 12 system high school. I sat there and wanted to talk about special education. One of the board members in all indignation said, "Who are you to come in here and tell us what to do?" In November, a board member that had served 12 years on that board resigned, and I competed for the seat and won. I joined this school board because I saw the wreckage and saw how policies were handed out.

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[7] Henault testimony, *Burlington Transcript*, pp. 134–51.

We do a lot behind executive session doors. You want to try to solve some of this problem in the future, then there is no executive session for racial issues. If you report it and you've got the guts to stand on your two feet and say to those people there's something wrong here and I want you to correct it. I don't want to sound offensive to more learned people, but I shouldn't have to tell somebody with a college degree and master's education, "Gee, do you think we ought to get a consultant in to talk about multicultural acceptance, tolerance?" No way. I am one of 15 votes. If I get seven others, then the administrators and the faculty and all other people working in the school system will do as they're supposed to do and to not equivocate when incidents occur.

This thing of dividing, I have problems with it. I don't like it. I was informed at different times that my attitude was wrong. What does it take in our lifetime to bring about change? All racial instances will be reported to the Department of Education. There should be no equivocation and no claiming a victim didn't officially report it.

And we do a lot of mailings home to our families and children in Vermont. Send the law plus phone numbers home with the first mailing and do it statewide. We should say to the Board of Education members to tell school staff it's mandatory. Simple language that can be inserted in all educators' contracts that says: if you stand by and watch racial hatred, or bigotry or slanderous statements be made, you may be dismissed. I wonder how many school administrators would be in this room if their pay was cut 35 percent and used it for multicultural programs.

Last year when they were studying the American Revolution, they were going to hold a slave auction. We got the notice 3 days in advance. We had a few reservations because Sam, my 7-year-old granddaughter, was the only black kid in the school. So we had some concerns about her friends, who were white, and what they would do with Samantha after the auction. I told the administrators, "You need to not do this. You needed to prep all the students to say how horrendous this was, how bad it was to sell human beings to be slaves. You didn't do that prep work." In September of 1997 out on the playground a kid called her a nigger and said, "Niggers are bad."

There are sample multicultural programs all around the country which could be made available to everyone. What I'm searching for in my supervisory union is a good example for K through 12. I'm going to throw it on the table and I'm going to say, "Why don't you start at kindergarten? By the time they hit 12 if they also learn good manners, they'll be reasonable citizens and we won't have to yell and scream at each other." Every single school in the State of Vermont should have Americanism 101 as part of the common core.

Jacklyn Hickerson[8]

Physical and verbal assaults on minority students, Complaint processing by school staff and the Human Rights Commission

I have two biracial children in the public schools. My daughter's been in the school system 2 years; my son just entered 1st grade. It's hard to condense what's been happening to them into a speech because its something that has been a very horrible experience for my children, and it is difficult to try to communicate it to you with the same effect.

Racial harassment in all its forms, including taunts, repeated use of the N word, as well as physical assaults, have been the norm rather than the exception during my children's school career. Last year the problem got worse. Nearly on a daily basis my daughter was called the N word, was punched, kicked, and spat at. To make matters worse, one of the perpetrators was the daughter of a school board member. I have called a school official several times and would get no help whatsoever. This person would not acknowledge what was going on. She would say to me, "He has a cousin who's black, so I don't think he's doing that. He couldn't be a racist."

I had a parent meeting with a school board member. She told me I was overreacting because I wanted a meeting with her because her daughter was calling my daughter the N word. I have very serious concerns that people like this are raising children like that and are in power over our schools.

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[8] Hickerson testimony, *Burlington Transcript*, pp. 152–66.

This year already my daughter has experienced incidents; the N word has been used as well as other derogatory terms. She has been punched. I brought these incidents to the attention of the school staff. My complaints have gone unanswered and I go forward. Also because of my complaints, I think my child is being treated differently. Whenever there is a problem in the classroom, my child is the one to be blamed. When she tries to give her side of the story the school official continually asks her, "Are you sure you're telling the truth?" and drilling her repeatedly when she's the one coming home with bruises. She's never taken at her word. She's made out to be a liar. She is allowed to be abused. I have tried to call officials at the school system, but they don't return my calls and my complaints go unanswered.

During this school year an incident occurred while my daughter was in art class. A white child sitting next to her scribbled all over her school work. In retaliation, my daughter took a marker and scribbled on his arm. That child got no punishment whatsoever. However, my daughter was not only put into detention, she was barred from the school dance. The other child admitted to starting the incident, but my child was the one to get punished whereas the white child was not. When I went to the school and talked to the teacher she told me, "Oh, well, that's just how I feel, that's my opinion." I talked to the school official who backed up the teacher. I was totally outraged.

Also this year I requested an IEP meeting because my daughter is not receiving the services that she's supposed to. The meeting was scheduled by the special education staff person for 3:00 on October 13th. When I showed up for this meeting, the staff person told me that the meeting was set for 2:00 and the teachers and everyone else had left. She then proceeded to tell me the reason my daughter was not getting the services she needs is because they are short staffed and there is not enough money. She stated that my requesting an assistant for my daughter would take an assistant away from someone else's child. Three weeks after this meeting, I finally got the notice of the meeting in the mail. It was her handwriting, signed by her, and scheduled for 3:00. I called her up and asked, "Why have you denied me this?" She responded, "What do you want me to say?" Responses like that make me wonder what is going on. The school receives money for these services and they're not being given. Is it because of their lack of interest in my child as an IEP student or their lack of interest in my child as a student of color? I believe it's because she's a student of color. My child has been kicked around in this school system too much, and I have told my story many times. I have gone to the forums, I have repeated this stuff, and each time it's a new and different incident. The old ones keep getting lost in the jumble. When is somebody going to do something about this?

There is a case that has been pending for over a year now with the Human Rights Commission. They have not been able to make any decision. That is one I have not told you of. The incident happened at the beginning of last year.

DISCUSSION

MR. CHENEY: Have you made them aware of these issues?

MS. HICKERSON: One of them, yes. When it came to my daughter getting the suspension and the barring from the school dance, I did. And it is currently under investigation. You call them every single day. They're very busy. I would like to see something happen without having to wait for the Human Rights Commission because it's already been over a year and this was a major issue that I have a case on. I also have a first grader in the school system that's been taunted on the playground, but no physical violence yet. But he's only been in school 2 months. I think it is important that we do go public with this. I feel like I've been shouting my head off since I moved here. And since my children have been in school, it's gone nowhere.

MR. TUCKER: Since the U.S. Department of Education conducted a PAR review of the school system you are referring to, have you seen any movement around your two children as a result of that and has the school system followed any of the things that were outlined in the review?

MS. HICKERSON: None whatsoever. They have not followed that.

MR. HOFF: Do you know if other children of color in that school system had similar experiences?

MS. HICKERSON: I'm sure they have. I don't want to speak for the parents of those children, but how could they not? I assume that every child of color is getting some type of harassment because I've seen it. This issue has been kicked aside for so long but I can tell you, I know that children are being harassed. If this forum was not at the Sheraton and there was transportation, you'd have a line out the door.

Jeanne Marie Schinhofen [9]

Lack of respect for minority student concerns, Inappropriate lesson plans, Response by administrators to requests by parents

I think there's an incredible lack of respect from the teachers to the students. When the administration and staff communicate to the children, they are first and foremost communicating this lack of respect. In one incident, my son was sent to the school planning room. He wrote three pages on exactly what happened. I will read an excerpt from his writings:

"The teacher was pushing me down the hall, she was pulling at my shirt and pushing me and forcing me to go; however, of course she called it guiding. I don't understand why they have to call you and check up on everything that I say. They're telling me that I'm a liar just by doing that."

Perhaps the administration needs to verify some of this information with a parent; however, he is treated as though they don't believe him. When he approaches me with these problems, I have a meeting with the administrators to help the situation. I am educating the teacher on how to educate my children.

I need to add respect in capital letters. I have had student teachers and other parents that have helped out in the classroom come to me and say, "There's something going on in the classroom. All of the other eight children in the group are doing this, but your child was singled out and punished for this behavior." I've had calls from parents of students that have come home crying because one of my children is being mistreated in class consistently. Although the children come home and tell their parents, I may not find out this information for a year. I'm wondering what has happened to this particular child that he can't come home and say, "Mom, I'm being mistreated." He has been mistreated so much he doesn't know what's right and doesn't know to come home and say, "They have wronged me."

Once a teacher was trying to set up a hierarchy in the classroom. She was the queen and students were different levels of servants. I explained to her that my child deals with this on a daily basis. Of course he doesn't want to have anything to do with this—he lives this. You're putting it to these children because maybe some of these children haven't experienced this. You don't understand what you're saying to my child.

We were talking about these children feeling invisible. For 4 years I have been asking the administration to please put the children of color together in the classroom. Finally, when my child was in a class of 40, there were 4 children of color. None of them were in his grade, but because it was a combined class, he happened to be put together with these children. He came home on the first day of school excited and stated, "I've got three other African American children in my class. I really don't even care if they are my friends, they're just there. It means on the one day of the year when we celebrate Martin Luther King or a little bit of black history, everybody isn't looking at me." There's somebody else to share that burden with. The administration denied purposely putting these children together.

I was asked the other day if I work at the school, because I'm walking the hallways. I'm in a position where I'm ready to quit my job because I can barely hold onto it. We had a principal there that was an ally. I had asked him to allow my children to have access to me and let them call me at work or at home if something's bothering them. They did this many times. We had a teacher last year who came to me and said, "I want to do the rest of the year dealing with diversity on some level; can you help me?"

DISCUSSION

MR. TUCKER: What school are we talking about?

MS. SCHINHOFEN: Twinfield Union in Plainfield, Marshfield. I personally have not gone beyond the administration because I knew it was useless. I felt that my energy was best put into approaching each of the teachers when my child was in their class. I would do my best to educate them, explain my child to them. I have gone to the administration and asked them, "Please, on one of these teacher in-service days, can you please focus on having the teachers educated?" They're ignorant here; can you please help to educate them?" There's no funding for that. I feel as though the diversity that we do get, the teachers aren't truly there in their hearts. Whenever they get something that is diverse, it's not brought into the school in other ways.

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[9] Schinhofen testimony, *Burlington Transcript*, pp. 186–201.

When I took my child to the 1st grade the teacher informed me in the first week that there was no racism in this school. She said I had nothing to worry about when I was concerned that my child wasn't going to be safe there. I looked around and there were no posters, no books, there was nothing. I now have a teacher for my daughter who has spent a good portion of her budget this year on things that would encompass her in the classroom. I do know that I'm being heard. It's on such a small level that it's hard not to be bitter. It's hard not to be totally frustrated, but I do it for my children.

DR. JOHNSON: Is there something that the parents can do to educate themselves about how to deal with the school? Can parents get funding for some kind of strategy on how to be a parent of an ethnic minority student in Vermont that describes what parents and students will encounter? I don't know if you communicate with one another.

MS. STOLEROFF: We are in contact. A group in our community formed a diversity group. What's so wonderful about our community is it acts as a community. There are many people in the community that care about these issues, yet it's hard to get the school to change and use the community as a resource.

Renee Shippe [10]

Reactions by teachers to verbal assaults of minority students

My two children ~~and I live~~ in Morrisville, Vermont. People of color are coming out of the inner cities because they want their children to have a safe environment. I needed a safe environment and a better education for my children, and I felt I would have it here. I look at that sign many times and it says, welcome to Vermont. I want to add—but it's not for the people of color, and if you do stay, you will be harassed and will experience racism. No matter whether you're hiding, whether you want to be a productive citizen or not, you will experience it here.

Here in Vermont the selectmen are not open for change. If we as people of color, as a community, as parents, as educators, if something is going wrong with our children and if we are experiencing racism, harassment, then there's a way to stop it: deliver a message to the politicians that we will not vote for you until the harassment and racism stops. For every incident in your district, you lose money.

My 14-year-old daughter had a very hard time. She was called the N word. They wanted to fight. She really didn't want to fight, but when somebody walked up to her and slapped her, she felt she had to. Teachers, principal turned their back; they didn't see a thing. And it was good because I wasn't waiting for her to be suspended.

When my 12-year-old son was called that, he used diplomacy. He went into the principal's office and he sat down and he talked about it. He couldn't understand it because he's been programmed Vermont's way. Not that he accepts being called the N word, but he accepts the Vermont culture. He took it to another level and asked to have a meeting with the principal, and he did. The principal ironed it out with him and shoved it underneath the table. She asked that the person that called him this name do a paper on what an N word person was and asked that their parents be involved in this.

You're always talking about children, but you have to hit the base. The base is home. Parents have their issues which are heard by these children in school. I suggest that you confront the parents first. When there's an incident, you call in the parent of the perpetrator and describe the incident. The child did not just pick up the N word from out of the sky.

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[10] Shippe testimony, *Burlington Transcript*, pp. 232–41.

Mark Jr.; Brandon, and Philip Davis[11]

Incidents of racial harassment, Reactions of teachers to minority student concerns

MARK DAVIS JR.: I am 17 and currently attend a high school in Vermont. I'm sure I know a lot of you are aware of some of the problems I've encountered at the high school. First of all, I'll start with the school officials. Every day they make it obvious that they don't want me in school, they don't want me anywhere in the city, including the football coach who told my brother that I wasn't welcome to play on the team. Every day he gives me nasty looks when I'm walking through the hall. To me it's pretty obvious they're retaliating because of the civil rights suit I filed against them in '95. We moved out of State in July of last year. Since we arrived back in Vermont, in January 1997, my life has been pure misery while I attend school there. I experience harassment every day. I can't even concentrate on school work. I'm doing pretty good so far. And I feel like the school is trying to get to my father through me. Just walking through the hall I can hear the N word from kids. Kids will stare at me and give me nasty looks. I can't walk through the hall without the principal asking where I'm going, why I'm in the hall, etc. The superintendent will see me every once in a while in the hall. He'll give me a dirty look but doesn't speak to me.

Recently my mother reminded my father that we couldn't attend a football game at school because of the no trespass order against him. And I was already mad that I couldn't play in the game, and I became more angry for now I couldn't even watch it.

MR. TUCKER: Were you told that you could not play football?

BRANDON DAVIS (Age 12): Yes. The head coach of the football team. I asked him if my brother was welcome to play for the team because he still wanted to play, and he said that he wasn't welcome. It was obviously an excuse because he didn't want him to play.

MR. CHENEY: Why couldn't you play in the game?

MARK DAVIS JR.: The coach didn't want me on the team. He didn't give a reason; he just said I wasn't welcome.

MR. TUCKER: You're in the middle school. So he told your brother in middle school that you weren't welcome to play on the high school football team? What's your average?

MARK DAVIS JR.: B.

MR. TUCKER: So it's not because of your marks?

MARK DAVIS JR.: No.

MR. TUCKER: Even if you pass, you can't play. Is that what you were told?

MARK DAVIS JR.: Yes.

PHILIP DAVIS (Age 14): When I was in 5th grade, I was assaulted by a teacher. When I tried to report it, nobody believed me even though two other students came forward and said they saw the teacher do it. My parents tried to tell a school official what happened. They mentioned filing a complaint with the Department of Justice. The school official assaulted my mom with the door. When I was in the middle school, kids made fun of me all the time because I was in special education. They would get me in trouble all the time and the principal would always blame me. My parents would be asked to come to the school every time no matter how small the problem.

MR. TUCKER: How would you describe your experience in the school system?

BRANDON DAVIS: In Washington State we had a lot of black teachers and a lot of friends that were like us, and here they just aren't, and they basically just make us feel uncomfortable because we're different. And they just don't want us here for some reason. I'd rather be in Seattle right now.

MARK DAVIS JR.: I feel the same way. In Washington State I had black teachers and pretty much all my friends were black. The school was a happy atmosphere. I could walk through the hall and teachers and kids would say hi to me. They made you feel like we were part of the community out there. Here we're away from everybody. It wasn't like that here in Vermont.

MR. TUCKER: Did you participate in sports in Washington State?

MARK DAVIS JR.: I was playing varsity football.

MR. TUCKER: But you can't play it in Vermont.

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[11] Davis testimony, *Burlington Transcript*, pp. 241–50

BRANDON DAVIS: My teachers used to suggest which books I should read or write a report on. They were always usually about African Americans. During one of my classes we were talking about slavery and the teacher said, "Brandon, don't you feel so lucky that you didn't live during those days." And all of the kids just stared at me the same way when we talk about something about African Americans. And one day the principal said to me that if I miss another day of school, that she would have a truant officer on me to talk to me. And I guess that she didn't like me or something for whatever reason, that's why she said that. And I'm in the middle school now, and the principal, the counselor, and some of the teachers make me feel uncomfortable because they know that I'm Mark's brother and Mark Sr.'s son. The principal and the vice principal are usually just the same way to my mother as to me.

Joya and Mark Davis Sr.[12]

JOYA DAVIS: Whenever there's a problem with one of the kids, I'm the one they call. They feel that because I'm white, they can deal with me since I'm going to understand the problem they are having with my child. I've had the principal say to whatever adult was present, "Oh, you can talk to her, she knows."

MARK DAVIS SR.: I'm thankful of this Committee being here and having the opportunity, like other parents, to let you know what our children go through and what we expect to be a part of our kids' education. This isn't just Burlington that's a problem. There's a problem in other parts of Vermont. The type of mentality you're dealing with is one of intimidation for speaking out.

You have seen the letter my wife sent you regarding the boy saying something to my son and I called the school. I didn't make a threat or anything. It's really sad that it's that easy for a parent to call a school and to try to have a conversation about the conduct of another student and they can completely take what they feel I said and misguide it and have the police charge you with something that you never even said.

Currently I have a no trespassing charge on me prohibiting me from entering school grounds, because of a football coach that perceived that my words were threatening. How can one perceive threatening when you call somebody and ask to discuss my concerns about one other student using filthy language to my child? I don't think that's threatening whatsoever. The proof is right here in the letter that the school sent me. What bothers me is that the assistant principal, principal, superintendent, didn't have the decency to spell out the word that this student said.

DISCUSSION

MR. TUCKER: Were you given a hearing about this no trespass warning?

MR. DAVIS SR.: No. They served it by certified mail. This was the second trespassing charge against me.

MR. TUCKER: What you're saying to me is that an arm of the law served you with a notice that said you were not allowed on school grounds, but you never had a hearing?

MR. DAVIS SR.: Yes. The letter says you may not enter on school property except to pick up and drop off your sons, and you must stay in your vehicle at all times.

MR. TUCKER: When's the last time Mark Jr. participated in any sports in Vermont? Did he play ball?

MRS. DAVIS: About 9 seconds.

MR. TUCKER: So he hasn't been allowed to play since he's been at the high school, but he made varsity in Seattle where the competition is really hard.

MR. DAVIS SR.: In Seattle he played with some of kids that now are in the top 10 colleges in the Nation. I'm hurt for my son because this is about retaliation. This summer we were driving by, and we drove up onto the school and I said to Brandon, "Go down to the football field and ask the coach is Mark welcome to play." And this particular coach told Brandon, no, he wasn't welcome. The reason why is because we've got too many kids as it is. And that was it.

MRS. DAVIS: In April of 1996 they issued him a no trespass then, which didn't even allow him to drop or pick up the kids and prohibited him from school property. We were told by the police that it expires a year later. When we moved back here, it had been over a year, so I called up the school and I asked if it was still in force. And they said, no. Bygones were bygones and everything was all set. And this letter is dated the very next day. It's disturbing the fact we didn't say or do anything wrong. I did what any parent would do, which is call up and let them know I had some concerns about another student's language. I think the best bet is this: Leave Vermont. We are desperately trying to leave as soon as we can and never return. If we were to stay here, I'd ask the mayor of Burlington if we would be welcomed in his city. We've only lived in one location in Vermont and we have always had problems there. Now when my son went down to the football field this summer, spoke with the coach and the players, the atmosphere was just so normal. The coach and kids were extremely nice to us.

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[12] Davis testimony, *Burlington Transcript*, pp. 244–64.

I was talking to the investigator at the U.S. Department of Education Office of Civil Rights who's going to be handling the retaliation complaint that we filed, and he just couldn't seem to get off the subject. He kept asking me if my husband was big because I guess when the people were here from the Office of Civil Rights, they went back and told them my husband is a big guy. He kept bringing it up. Finally, I said to him, "Do you mind if I ask you what your race is?" He told me that he was white. I said, "What you keep asking me makes sense to me now." Ever since I got married that's been his biggest problem. Because he's big and black, he's a threat to people. I question how can these people help us if they've never met us and just talk to me on the phone.

Ayana Al-Faruk [13]

Existence of racism in public schools,
Racial slurs directed at minority students

I want to thank the Advisory Committee for coming; however, I have mixed feelings. The fact that you have to come is quite insulting to me. The fact that we're still dredging this issue is very insulting. In 1997 African Americans and other people of color are still having to beg for what the Constitution said every American had, and that's inalienable rights, and peace and justice for all. That's still not true when it comes to people of color.

Listening to prior speakers has me very disturbed about what's going on with children of color in schools. You say that you have heard comments that made you realize that racism is alive and well in Vermont schools. Yes, it's very much alive and well, and I am not particularly sure that the school districts are willing to admit how alive and well it is. Or if they even understand that racism is entrenched in the school system here. It's been my experience that when you challenge people on it they oftentimes don't even know what you're talking about. It makes me realize that they're so entrenched in it that they don't even understand it. And to me that's more dangerous than someone who's being racist straight out. I don't think that the people who are being racist realize that racism affects everybody. It just doesn't affect the children of color. Ultimately it's going to affect this entire country. In the 21st and 22nd century, we're not going to be where we need to be because we're so busy trying to keep other people down.

I have four sons that go to school in Burlington. The first day in school, girls were throwing their phone numbers at them which really unnerved them because they haven't experienced that before. It was as if the girls tried to make them not human, putting them into an alien kind of category, exoticizing them. I don't think people realize that doing that is totally racist.

I have a 16-year-old son who attended Edmunds Middle School. He had the experience of going to a track meet last May or June at U-32 High School in Montpelier. And as he was getting ready for a run, there were two or three high school students milling around. One of his teammates heard someone call him a nigger, and she said, "Muji, I think he just called you a name." What he had said to my son was, "run, nigger, run." After that the entire Edmunds Middle School track team went to their coach to tell him what had just happened. The coach, in turn, went to an administrator at U-32 who came out to my son and challenged him like he was the perpetrator. My son told her that she needed to get her facts straight and find out exactly who was the victim and who was the perpetrator. U-32 ultimately made the boys write letters of apology, which were not sincere. The school ultimately wrote a letter of apology to Edmunds Middle School. What I'm saying is that this can happen so easily because it's gone on so long unchecked.

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[13] Al-Faruk testimony, *Burlington Transcript*, pp. 271–76.

I think that the Burlington school system and Vermont generally likes to pride itself on being liberal and progressive. Being progressive, however, does not mean anti-racist. My question is how do you treat African Americans and other people of color in the school system? What I want to know is how my children are going to be treated, and I'm not happy with how they have been treated already.

The white community is very invested in maintaining their children's emotional well-being. But these are the same people who do racist things to African American kids. What about their emotional well-being? I don't think the school systems see that as a priority.

Leslie McCrorey Wells [14]

Use of curriculum materials promoting racial stereotypes

I have a 9-year-old daughter. Several weeks ago she approached me with a book that she was to read for her 4th grade reading class. She asked me just to read the back cover. She said it didn't sit well with her because of the way that it talked about, quote "the Indian and how this young white boy and his grandmother were trying desperately to escape from him by taking a raft down river." I praised her for noticing the negative images and for bringing it to my attention.

After reading the first two chapters, I spoke with my daughter's teacher to ask what she hoped the children would gain from this book they were reading, a book that I perceived as extremely racist. She informed me that they were doing a unit on Native Americans and that the aim of this particular book was to get the children to understand the American grit of the boy and his grandmother. After a brief discussion, she told me that if the children don't bring up the issue of the negative images, she would in their discussions.

I finished reading the book and realized that the image of the Indian remained constant throughout the book with phrases such as, "they got animal noses, they can smell you out" and "there is never just one Indian," and "you don't see them until it's too late" and then culminating in a final chapter which depicted how seven Indians were caught after they burned out and murdered several of the good white settlers. Needless to say, there wasn't any other message in the book except that Native Americans were savages.

The following letter was sent to the school by my daughter's father:

> I am writing in regard to the curriculum in my daughter's reading class, specifically the book in which the class is now required to read, *Trouble River*, by Betsy Byars. I find the depiction of Native Americans quite troubling indeed. Describing Native Americans as savages with animal noses perpetuates stereotypic lies, and the presentation of their culture as solely bent on the stalking and murder of white women and children is reprehensible. The Native American culture is so rich and so fulfilling, how could anyone stand by and let their children read such lies? It is to my daughter's credit that she was able to recognize these stereotypes for what they were and bring it to our attention. Leslie and I have discussed the issue and are in agreement that if the book is to be read in class, [our daughter] will be allowed to leave the room and read a book in the learning center. While Leslie and I do not and should not have control over the curriculum, I urge the faculty to be critical thinkers and to constantly re-evaluate the curriculum. A book written in 1969 should be carefully evaluated for stereotypic and racist depictions regardless of how many awards it has received. At any age, people are inclined to believe what is written in books, but young readers are particularly susceptible. It is up to the educators to evaluate the reading material carefully so that harmful stereotypes are not perpetuated through yet another generation.

This letter prompted a meeting with the principal and the teacher. I was particularly disheartened with the meeting, but the most significant part for me was when my daughter's teacher told me that she was embarrassed for having missed the stereotypes. But she had realized that it was because she doesn't notice stereotypes. Now I'm not here to say this is a bad person; I am saying that she is a part of an institution that is not fit to teach my child or any of our children. I am fully aware that she does not stand alone.

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[14] Wells testimony, *Burlington Transcript*, pp. 276–82

This is a perfect example of the American educational system. I am here to say that this type of education is absolutely unacceptable. When a 9-year-old stands alone not only identifying but articulating the stereotypes within the literature that has been endorsed and legitimized by her teacher, then I say this is unacceptable and the educational system and society that allow it to continue are morally and ethically vacant.

It is unacceptable that I have to choose between taking my child out of a class and risk her feeling that she did something wrong or leaving her in a class with a teacher that doesn't recognize the existence of a problem with depicting Native Americans as savages. The book is still being read in the class.

For those who read this report, I urge you to please develop a sense of urgency about racism within our schools. All of our children are being diminished. If you are in a position to receive this report, you are most likely in a position to do something about it. You have an obligation to all children to be a catalyst for change. Don't allow the legacy that parents of children of color have had to pass on to each generation continue, the legacy of picking our children up at 2:30 and attempting to repair the damage that has been done to them during their school day. Racism is not a problem or an issue: it's a way of life.

Leigh Lamphere [15]

Systemwide approach to curriculum selection

I'm a public school teacher and the parent of two biracial sons who go to the school where I teach. One is in kindergarten and one is in 1st grade. As a family we haven't personally encountered strong acts of racial harassment, so it would be easy to say that that term doesn't apply to my family and children, but I think it does.

Last year my son was standing in the hallway at People's Academy in Morrisville; he's a kindergartner, and the kindergarten is housed in the high school. A junior high school girl walked by and spit her gum in his face. Was that racial harassment? It felt like it. There wasn't any exchange of words. It's sometimes hard to know if that was a racially motivated act or just pure crassness and stupidity.

I'd like to speak about the lack of an enlightened approach in the school curriculum. I teach music in the school where my sons go, and I'm careful to bring a lot of music from a lot of different cultures. As far as the rest of the curriculum goes, it disturbs me that it is primarily my sons' kindergarten and first grade classrooms that have picture books with children of color. The reason they have these materials is because I've provided them for those teachers. It disturbs me that if you happen to get the right teacher and it's February, black history month, you might get to learn about Rosa Parks or maybe Dr. Martin Luther King Jr. and maybe not if you're in other classrooms. That's probably the most that you're ever going to learn about the civil rights movement. When you get to 6th grade, you're going to learn a little bit about the Civil War and you're going to talk about slavery, but you won't talk about the real issues.

We don't have a national or statewide curriculum. I don't want to have to be the one that provides that education for my children exclusively, because it's not just my children that need that education. And I don't want to have to enlighten every teacher that my children are going to have and provide books in the classroom so that children are exposed to all the things that they should be exposed to. I would like to know that my children and all of the children in my school are going to get a comprehensive education which is not strictly Eurocentric.

It's November and so we're going into a unit on Native Americans, and you might be in the classroom where the teacher actually calls the Native American a Native American instead of Indian, but you're going to sit around and make headdresses and pretend that you're in a powwow. What little bit is touched on in the curriculum is very often sort of tokenism or a kind of tourist approach. I respect my colleagues and I don't feel that most of them are blatantly racist. I think that they don't really get it; they don't understand. They say, "But in February we talked about Rosa Parks," and they just don't get that that's all that they did and that's all that my children will ever know about their heritage.

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[15] Lamphere testimony, *Burlington Transcript*, pp. 284–90

DISCUSSION

MR. CHENEY: Do you know if there's been any systematic review of the curriculum at People's Academy with a view to this?

MS. LAMPHERE: I'm certain that there has not. I'm at the elementary school, but I can speak for our school, absolutely not.

MR. CHENEY: The textbooks that are in your school, are they all of the type you described where it's pretty much all white?

MS. LAMPHERE: No. You're not going to buy a language arts book that doesn't have cartoon pictures of people of all different races. Is African American history or any people of colors' history really talked about in the schools? Not really.

Mary Allen McMaster [16]

Teachers, staff, and administrators modeling unequal treatment toward minority students

I teach African history at Castleton State College. I came to Vermont in 1988 because I thought it would be a good place to raise a child. I didn't realize that I was making the biggest mistake of my life. Within the first day my child was already in danger. When my son walked up to get the mail, he noticed that the next door neighbor's post and holder for newspaper had fallen into the road. He tried to repair the box because he thought it could cause an accident. A man in a truck pulled over, opened the right-hand door screaming at him jumping to the conclusion that he was a vandal. The swinging door caused my little boy to have to throw himself into the ditch to keep from being hit.

The first time my son walked down the hall at Castleton Elementary School, a child reached over and knuckled his hair. That was the beginning, and it never stopped. After a week at Castleton my son had really changed his identity because in preschool in California he came home one day saying, "You know, Mom, there's so much talk about black and white. But look at me. I'm not black. I'm certainly not pink like you. Would beige be a good way to describe me?" After a week at Castleton he was black, and I think this was extremely healthy. He chose to identify himself as black because the other students were brutalizing him for being black. I knew of another little boy around 5 or 6-years of age who came home before the end of his first week and screamed at his mother, "I'm not African, I'm not black; I'm white, you're not my mother, and I hate you."

In the 3rd grade at Castleton Elementary School, my son came home and said after one day of school, "They won't keep their hands off me." I went to the principal and I pointed out that the psychologically sound way was to empower him to allow him to raise his voice in the hallway so that a teacher could overhear him saying, "Get your hands off me." They told me he would be punished for raising his voice and that he was to sneak when nobody was looking and tell a teacher what had happened. I said, "I'm not going to have you turn my child into an informer." So they instituted a policy whereby both students were considered equally responsible whenever there was physical contact. When another boy wrapped his legs around my son's legs, my son was the one punished.

Within a few weeks I was going in regularly to see what was happening in the schools, and at lunch there were probably 150 2nd and 3rd graders. They were allowed to talk, so there was sort of a gentle roar. All of a sudden the teacher in charge of the lunchroom descended on my child grabbing him and shaking him and shrieking, "You're the cause of all the noise." Every kid in that school knew it was illegal for her to lay hands on him, so every student was shown the rules don't apply. You have a problem and you can work it out on the dark kid, and that's exactly the message that is coming down from the highest quarters.

It's not only emotionally exhausting for these students, it becomes physically dangerous. It's the comfort level of the teachers, the employees, the administrators in the school system. If my son were retarded, they would be very comfortable with him. They would be very gently patronizing, but at Castleton Elementary School it became apparent probably within the first week that he was the brightest kid in the school, and that's what the problem is. The abuse was systematic and pervasive. They tried to lower his performance to the level of their racist comfort. I took him out of Fair Haven High School in November of 1994, and he started his senior year in a high school last September outside the State.

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[16] McMaster testimony, *Rutland Transcript*, pp. 6–33

DISCUSSION

MR. HOFF: Did he have any friends?

MS. McMASTER: He was very popular his first year at Fair Haven. In his freshman year, I made the mistake of going to a counselor and explaining that because the verbal abuse was so pervasive, my son's way of dealing with it was to take a day off now and then. And I suggested they tell his teachers that his absences are not frivolous, explain that it is due to the racial harassment, and to do some consciousness raising so that teachers and administrators will be on the lookout because he cannot and will not implicate the perpetrators. I learned from one of the teachers that the counselor told his teachers that he had psychological problems.

MR. CHENEY: You described this discipline policy that's so obviously unfair that the victim gets the same treatment as the perpetrator, but did you try to pursue that with the authorities?

MS. McMASTER: My son made me promise that I would not do anything to make it impossible for him to continue in school. I spent part of every day week after week with this principal. And when my son was punished equally, I just came and had lunch with him every day. I got an ally in the school counselor so that when my son would come home in a rage because of something that had happened, the school counselor would go and check it out. Before my son entered the 4th grade in 1989, I told the principal he could either do what was sensible, look at my son's test scores, look at his grades, watch him on the athletic field, or take the easy way out and promote him or you can put him in that room with the woman who attacked him savagely. This principal had a habit of refusing to speak to me. I once sat for half an hour after asking him a question: he just sat there. And a week later I got a call saying, well, he could have a 6-week trial in the 5th grade and then never heard anything else about it. One day my son came home and was fused with rage. It seemed that in phys-ed there was a game where the teacher was supposed to throw the ball underhanded. Instead, he threw it overhand at his head. So I went to my next door neighbor who was the counselor at the school and checked it out. He said, "You're absolutely right." And when asked why he said, "Oh, well, your son is so physically gifted I have to challenge him." The other phys-ed teacher had found another way to challenge him, and this would make him a pariah because kids are very competitive. It was a team sport, and whatever team my son was on, if it was ahead, the teacher would come in on the other side. So whatever team my son was on was never allowed to win.

MR. CHENEY: We've heard testimony regarding the futility of making complaints, but some people know the Human Rights Commission exists, actually had some good results. Did you try to complain to the Attorney General?

MS. McMASTER: My son made me promise not to do any of this, and then he just one day said, "All right, mom, take me out." He explained that a student who has had severe learning problems, who had been mainstreamed at Fair Haven High School because he was a good football player, would harass him. I asked, "How often does this happen?" He explained that every single day that he has been at school that year, the student would come over, sit down, grab what food he wants off my son's tray, throw garbage and then say, "Dump it, slave." The last day my son was there, the assistant principal was present while this football player went through this routine. The assistant principal just sat there talking with the football player while this was happening. It was at that point, my son said, "It's over."

RABBI KITTY: Was your son ever assaulted on the way to or from school ?

MS. McMASTER: The school bus stops at our driveway, and regularly she would go by and leave him. She could see him before she made her turn back up in the driveway, but if he weren't standing at the edge of the road, she would speed up. He had to be very careful on the school bus because if somebody grabbed him there, he could have been off the bus.

MS. SAUDEK: Did your son participate in school sports?

MS. McMASTER: Yes. And I was really stunned when I saw that coaches would rather lose than play him. My son spent a lot of time perfecting his soccer skills. He was the second or third best soccer player on the 9th grade team at Fair Haven. When it came time to substitute a player, the young coach of the team could not leave the black kid in and he took him out and, of course, the goal was scored right where my son had kept this area covered. I realized, my God, this young man doesn't know why he couldn't honor my son by saying he's one of the top eight or ten players on the field. You had to take him out and degrade him even if it meant losing the game.

The week before I took my son out of Fair Haven, parents of three other students came to me and said, "You must get him out, he's in physical danger." One person's daughter saw my son pinned against a corridor wall by five or six larger students who were fronting him. Of course, if he reached out to try to push his way out, he would have been guilty of making contact. The girl very quickly walked over, took my son's hand and led him away from the other students. When she later came home, she was almost hysterical. She said that her mother was one of the people that came and said, "You must get him out."

MR. TUCKER: A lot of people called the Human Rights Commission and are told you can file a complaint but there's a big backlog. They're not very encouraging about taking legitimate complaints. A number of us are looking for alternatives, and one is to just take a class action suit against the State.

MS. McMASTER: May I say I think that's the only thing that's going to work unless we get the United States Attorney General to send Federal investigators in.

MR. TUCKER: This is one of numerous complaints that you will hear from Afro-Americans and other groups who want to use that office only to be told there is a big backlog. So that's already setting up a climate of "We don't want to hear this and we don't want to respond." I don't know how I could be a State official or a person in office and not be appalled.

MS. McMASTER: I think they're selling the citizens of this State short. What we have here is a conspiracy of silence. I know a number of people who will give you testimony if their names are never published. The Office of Civil Rights enforcement of the Vermont Attorney General has not enforced the law. As a matter of fact, when I called wanting to know when this meeting was and its location and time, I had a call waiting for me yesterday saying they couldn't tell me.

Barbara Linton[17]

Racial harassment incidents throughout primary and secondary school system, Investigations by Human Rights Commission

I'm in an interracial marriage and have two children, Sheila Marie, who is 19 and out of high school, and a son, David Andrew, who is 22. We've lived in Vermont for more than 20 years, and my children attended schools in southern Vermont. My children were in the school system from 1984 to 1996.

One of the things I was hoping when I first moved here was that I wouldn't have to have another generation of black children growing up with prejudice and bigotry always at their shoulder. We have five generations of black men and women in my family who have faced prejudice in everyday life such as someone following us in a store because they think that something is going to get stolen, or attending a school function and having some little kid call you Aunt Jemima and nigger. The violence and the verbiage no doubt followed my kids back to the house. It was very difficult at times for my husband and I to deal with what was just them and what was really happening to them. My son's experience was a little bit harder, not to say that hers wasn't. Hers, being a second child, I knew a little bit better about how to protect her and how to be in the classroom ahead of the teacher.

My son has dysgraphia and some reading problems. When he was in 1st grade, he had a teacher who kept telling me that he had a behavioral problem. The teacher kept labeling him as disobedient and disruptive. So I went to this teacher and asked to have my son tested; however, she disagreed and thought he was merely disruptive and disobedient.

DISCUSSION

MR. CHENEY: I've heard from other witnesses that, like your son, said that he was disruptive or disobedient and that somehow the kid deserves what he's getting from the other kids because he's that kind of a kid and the school tended to blame him rather than seeing that maybe he's disruptive or disobedient because of things that are being done to him. Do you see that kind of scenario going on?

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[17] Linton testimony, *Rutland Transcript*, pp. 42–128.

MS. LINTON: It's true, but you have to understand we're talking about white adults who want to keep the status quo, and the only way that they're going to be able to do that, either through color, race, or economic lines, is to separate our people and our children.

We used to have to walk our children back and forth to school because they used to get beat up on the way home. One day my sister went in to pick up my son and apparently one of the students had said a racial epithet to him. My sister immediately told the teachers that they shouldn't have corrected the child. Later I received a call from an administrator who told me that my sister's banned from the school because she was violent. Rather than cause problems, my sister stood outside. They were so indignant at the fact that there would be a black aunt or mother who would actually say to a white child, "Don't do this."

MR. TUCKER: They didn't like being confronted. What would they consider someone who is black that confronts them?

MS. LINTON: Violent. So every day I was up there in my son's classroom making sure that his teacher did her job. And I was told that I wanted special privileges for my children. I never asked for it, never got it, but nevertheless, people think I got special privileges. There were a lot of children and parents in Brattleboro who suffered in silence. I know of approximately 50 parents of color who had children in school who were being harassed over the years, but it's more now than before because Brattleboro is an exploding population of children of color.

In 1994 the Inuits came to my children's school to raise money for a dam being built in Quebec. My children were on a panel of students who were hosting them as guests. They were taking them into the gym to have a cultural talk about what was happening in relationship to these indigenous people. The white children expected these people to have teepees and wearing war paint. It got so bad that the people left and all the children went back to their classrooms. There was not one teacher or counselor who apologized to those people. It was left up to the children of color (my daughter and my son) who stood up for them in that gym.

MR. TUCKER: In your travels through the community in '96 and '97, what have you heard parents of color talking about? Is it on the grapevine that there's still problems in the Brattleboro school?

MS. LINTON: Yes. Most definitely. There are racial harassment policies in effect now, but from what I understand, they are not enforced. There are still incidents that are happening to children that people try to explain away.

MR. TUCKER: When you say "explain away," what do you mean?

MS. LINTON: When two kids are fighting, the only child that gets taken away by the police is the black child to court to face assault. But what's so sad about it is these teachers are still teaching and they're still doing the same thing to other kids that they did to my son and daughter.

When my son was in the 3rd grade he came home one day and said, "Ma, cut my hair." Every day this child was in distress. One day his teacher was telling him that he was going to take a lawn mower to his head unless he cut his hair. And so this poor child was in such emotional distress. And he said, "The kids in the classroom make fun of me all the time because the teacher says that and then they repeat it." So I called the teacher up and he admitted saying it but claimed it was a joke. I told him that when you joke with an 8 year old and tell him to destroy a part of what his heritage is, how can you have those white boys and girls teasing and laughing at him in your class? Later he told me since the principal was away that day I was not allowed in the school anymore. I called a couple of friends of mine, made a couple of signs, and stood in front of that school all day. I had about 10–15 people standing in front talking about racism. And I had the teacher's name plastered all over those placards. The school did not fire the teacher, so we picketed again the next week.

An 8-year-old boy who comes home hysterical because he thinks he's going to lose what is his biological heritage, his hair. He can't do anything about his facial features, his skin color, or his hair. That is his heritage, that is who he is, and for somebody who believes he's not of color to say that he's going to destroy—that meant that he was trying to destroy my son.

Now I'm going to tell you my son is going to be 23 in March 1998. This man has never apologized to my son for what he did to him. When he met him again when he was dean of students at the high school, he tried to mess with my son then, but my son was older and able to defend himself. He couldn't say the same things to my son that he could say to him when he was 8. We just made sure that he didn't have anything to do with my son, didn't teach in any classes my son was taking, or have any decision power over my son.

DR. JOHNSON: You mentioned that several parents ask you, "Barbara, what should I do?" Is it useful to do something in a written form so that parents can have ideas about strategies of what to do regarding teachers? Your son helped teach you for your daughter, but there are many parents who are going into this for the first time. How can we help more parents be stronger in dealing with the school?

MS. LINTON: Take that law into every school district and sit down with the superintendent and all the principals. Command them to come to a meeting and then invite parents. If this Committee went to every school district and offered to take the complaints back to Federal authorities, we could initiate a class action suit on behalf of all the students of color in Vermont. This would make them do what they need to do. What would really help would be if this Committee were to issue a Federal mandate that the State of Vermont and its school districts do not receive money until they clear up these problems they're having.

There's so much injustice and there's so much grief and pain children are being scarred every day. And there's nothing that can be done to help those parents in that way. If we're talking about parents being more politically active in their school district, I think that parents already are because they're speaking up. It's not a question that they don't know how to do it or won't do it; it's because they feel it would be of no use.

DR. HAND: You spoke about your protest and how it seemed to have little negative impact on it. I'm interested in what the systemic reaction was. Obviously, the system promoted this man.

MS. LINTON: By the time he was dean of students, my children were almost out of high school. We were embroiled in a bitter case with the Human Rights Commission and were trying to settle issues of discrimination and racism in the district. So his becoming dean of students was not on my priority list other than keeping him away from my children. But he's still dean of students.

RABBI KITTY: When you called around to your friends to protest, was it only black families that came to your aid or did you find that you had more general community support?

MS. LINTON: I have friends in the community who will do things at the drop of a hat and are not afraid to do it. Some are afraid to do that.

RABBI KITTY: My question was to gather a sense of how alone or how supported you felt in the community. There's a sense that parents of black children are alone, that no matter where you go you're stymied because no one will support you in supporting the law.

MS. LINTON: Nobody. That's true. It still exists like that today. My son's physical education teacher once claimed that my son was insubordinate and tried to have him suspended. They were playing tennis and my son hit the ball and it went out. Now he didn't hit it purposely, but the teacher said, "Okay, I want you to go out there and get it." He didn't send anyone else outside the gate to get balls, but he told my son to get it. My son was old enough to tell him, "If you want those balls, you're going to have to go get them." Every time he was in gym he would make a comment about how he wasn't doing something or claimed he didn't have coordination. I think they take a look at him and know he's one strong black man, one more, and they don't want to have that. They want to destroy his life, to take his sense of self-esteem, and destroy the very essence of who he is by making him less than a person in the eyes of his peers and other adults regardless of what color they may be. These people shouldn't be teaching anymore. They should lose their jobs.

The counselor that my son reported all his feelings to in private admitted that my son wasn't the only one. One particular teacher liked to pick on children who were overweight, children who were of color, children who had disabilities. You name it, he was abusive. And all these children were coming to this particular counselor and telling him. I urged this counselor to report this to the principal and superintendent. "You're trying to put words in my mouth," was the first thing that he said to me. I said, "Do you realize what you're doing? You're telling me that you're hearing that these children are being abused, that these children are reporting to the school doctor what's happening to them, their parents are telling you, I'm telling you." This man is still teaching. This man is still being complained about in the newspaper as of a month ago regarding this abuse.

MR. TUCKER: You're saying that 8 years ago he received complaints from you and 8 years later he's still being complained about in the newspapers?

MS. LINTON: Right. And others.

MR. DIAMOND: Do you perceive white parents who had children of color as being treated the same way you were treated and in your judgment had any more success in dealing with the school administrative structure?

MS. LINTON: I don't think so. I think people are just as bold to white women and white men who have children of color. They're perceived as parents of black children and children of color.

MS. SAUDEK: From news stories I've seen and heard, I have the sense that black kids in this State have even more difficulties when they participate in interscholastic sports. Did your kids participate in sports?

MS. LINTON: Yes. There might have been some incidents, but their teammates usually took care of it quickly, and they had good coaches. I can't address what's happening in other parts of the State where there might be more isolation of students of color. My son and daughter were integrated in the school system for a long time until they reached junior high and high school, and then there were more students of color.

There have been hundreds of incidents that I have reported to the Human Rights Commission. Two incidents I will describe happened to my daughter:

1. While in the 7th or 8th grade, they had elections for class presidents. Everybody would give a speech before the class and then students would vote. And they had the right to make up flyers and post their positions in school. My daughter did that, but then when she came back to school none of her posters were up. Everyone else's posters were up, not hers. This happened for a couple days in a row until she caught a kid taking them down. And he said to her, "You're not going to get elected; niggers don't get elected anyway." Needless to say that my daughter was not elected, nor was there a student of color elected that year. But because of the continuing effort, the next year a student of color was elected. White students have their own little cliques. They leave students of color out of simple things such as voting on class presidents, choosing the king and queen at the prom, etc., because they're not the image that they wish to present.

2. Also in 7th grade or 8th grade, my daughter had a substitute for art class, and the rule was that if you needed to go to the bathroom, you took a tag off the wall and went downstairs to the bathroom. And because I frequently go into the school, I noticed kids walking the corridors, going back and forth to the bathroom, and peeking into other classrooms and saying hello to their friends. Well, my daughter just happened to do it that particular day and she asked the substitute if she could use the bathroom, and she proceeded downstairs to the bathroom. All of a sudden the substitute teacher is screaming at the top of her lungs for my daughter to come back. The principal hears a teacher calling my daughter's name. He wanted her to go back upstairs and answer her teacher. He stood in front of her and grabbed her and tried to stop her and force her to go back upstairs. She had to run from that principal (who's still principal of that school) out the front door, around the back of the school, with him and another teacher chasing her so she could go to the bathroom on the other side of the building, urinating in her pants in the process. I received a phone call from the principal who claimed my daughter was insubordinate, and that he was going to suspend her. In the 10 minutes it took me to get to that school, they had the assistant superintendent and a police officer there to deal with me. When my daughter came home the next day she had bruises on her arm where he put his hands on her. Nothing happened to this man nor to the teacher who chased her and violated her privacy.

All the times that my children were walking back and forth to grade school and junior high school, all the times that students used to follow them home, call them every kind of racial epithet in the book, throw stones and rocks at them, physically beat them, tear their clothes off their bodies not one police officer could ever get to that school to get those children who were in those classrooms who were doing it. No one could ever knock on these parents' doors. No one understood the meaning of racism. And these people are still teaching these children.

MS. ELMER: You've mentioned a number of times you filed complaints with the Human Rights Commission. Was that an effective system for you?

MS. LINTON: Sometimes it was and sometimes it wasn't. Sometimes you can get a phone call and people straighten themselves out, but for the most part, no. It's very hard to prove and they can always explain something away. It wasn't right what happened to her, it was a misunderstanding, but nobody could explain away those bruises.

MS. ELMER: What recommendations can you make to the Human Rights Commission or other State agencies?

MS. LINTON: Teachers who do this should be fired immediately and something placed permanently on their record if they want to be able to work in another school district again in the State.

My son had an art class when he was 12 or 13 and there were 15 to 17 kids in that class. And the teacher purported herself to being a woman who understood diversity. And there were three boys in this class who used to taunt my son on a daily basis by calling him a monkey, telling him that his eyes looked like girls, or his hair looked like he had put his hands in sockets, or push him around. So my son exploded in class one day and beat them up. The principal and the teacher who said she didn't hear anything had my son taken out of the school and down to the police station. No administrator called me and told me that's what happened to my son. My son was in the police station for 2½ hours. They had charged him with aggravated assault, disorderly conduct, assault on a police officer, etc. The State's Attorney wanted to take my son out of my home, put him in a juvenile facility as a—behavioral problem. My son's lawyer went to the district court and argued that this was a racial attack. All of a sudden everything went away, the assault on the police officer, the aggravated assault on three kids. And they said, "Well, your son was a little aggressive. We'll just give him disorderly conduct and he can go to diversion for that so that he can manage his anger." And I asked, "What happens to the other students involved?" Nothing. So if it wasn't for the fact that I was his mother, my son would have had a police record and removed from my home as a juvenile offender, for what? because he didn't want to be called monkey or nigger, have his facial features be made fun of, or jeered and taunted in the classroom?

MR. CHENEY: Did the Human Rights Commission get involved in that case?

MS. LINTON: Yes. They did find sufficient grounds regarding the incident. On that particular case the school settled. The Human Rights Commission filed a court case, and the school district had to face the fact that there was racial harassment and that what they did was wrong.

There are just too many incidents. I can't tell you the numerous times that my husband and I had to sit down as a family and try to figure out how we were going to keep our children safe and to make sure that when they got older they could walk to school together with their friends. Maybe two or three times a week I walked into that school. I couldn't sit in the cafeteria without some 1st, 2nd, or 3rd grader calling me, "Nigger, Aunt Jemima, jigaboo," or walk on the playground without some kid throwing a rock at me. When my children got to be in 6th grade, kids from the junior high school and high school used to come down, and when the children of color were outside playing they used to be along the fence saying that they were going to get him. I had one kid that I had to chase with a baseball bat out of my doorway where he had followed my son home and was beating him. The Human Rights Commission was faithful enough to take the report and investigate, but for the most part they did not find grounds to support the charge.

MR. TUCKER: Have you had any instances where you filed with the Human Rights Commission or with the Attorney General's Office for Civil Rights that were not pursued?

MS. LINTON: I can't tell you how many. Every week my children were in school I filed with the Human Rights Commission.

MR. TUCKER: I would like to have some estimate. Would you say 20 times in your life that you filed over 20 reports with the Human Rights Commission? And how many were acted upon?

MS. LINTON: More than 20 reports were filed. One was acted upon.

MS. SAUDEK: The others were investigated?

MS. LINTON: They were. I'm not saying that they didn't investigate and make phone calls. There were some complaints that they didn't follow up on because they were not sufficient grounds for them to be able to act. Then there were others when they did not find sufficient evidence of discrimination. There was only one that they acted on and settled with the school district.

In one case when my daughter was in junior high school, a female art teacher put her hands on her and threw her up against the wall. I sued her myself because no lawyer and the Human Rights wouldn't take the case.

MR. TUCKER: You're telling me that you had evidence that a teacher abused your child physically and that the Human Rights Commission didn't take it?

MS. LINTON: That's right.

MR. TUCKER: The State Commission on Civil Rights didn't act on this either?

MS. LINTON: No.

MR. TUCKER: When you exhausted those, did you go to any government agency?

MS. LINTON: I called Boston, the Office of Civil Rights and Department of Education and they didn't act on it.

MR. TUCKER: And you sued?

MS. LINTON: Yes. I filed the case in Newfane Superior Court and claimed a violation of the State Civil Rights Act and Public Accommodations Law.

MR. TUCKER: What happened with the case? What did they decide?

MS. LINTON: Nothing happened with the case. They didn't find for my daughter.

Lyndia Cobbett[18]

Climate of racism in the State, Actions by administrators in response to racial harassment incidents

I'm from a biracial relationship, and I have two school-aged children, one of whom attends Rutland High School. Mr. Herrington [see presentation below] is the decent side of what these people aren't. His summation of what Rutland schools are like is a fallacy. None of these people serve in the interest of our children. We have to go there and act belligerent and defend our children for the little sick things that we know shouldn't be in schools.

Recently my daughter was chased by a group of those people reported to be gang members. My daughter is picked on. She's having blatant things said to her such as slut, whore, etc.

DISCUSSION

MR. TUCKER: Are you saying your daughter is picked on in school and the school has done nothing about it?

MS. COBBETT: They didn't. I thought the guy escalated the situation. He had tried to make my daughter responsible for what other kids would say, all the instigators, the kids in the school that knew this girl was after my daughter, make my daughter responsible for whatever the hearsay was coming from these other students. In other words, my daughter had no choice but to keep quiet. We discussed yesterday, "Why didn't you go to the principal?" She didn't want to be a snitch. This is what I've been telling her to do, go to the principal. Let them resolve it.

This is going on right under her teacher's nose, and she's worried about what the other students are going say. My daughter's refusing to go to the appropriate people to let them know about it simply because she doesn't want her peers to think that and make the situation worse by that girl getting more ammo and her allies calling my daughter a snitch and having to go to the police and others just to defend herself.

I think all of it is racially motivated and comes from within the community. We're just being a family picked on. And they're doing it through a child, and they're using this child to try to bring conflict on a family. They're using my daughter as another way of showing they don't want us in their community. They use these children to interfere. A lot of white kids, you ask them, "What are you going to do when you grow up?" and they respond they are going to college. They are so certain and confident in what their life passage is going to be, they have this extra time to hinder our children's education.

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[18] Cobbett testimony, *Rutland Transcript*, pp. 207–17, 224–27, 231.

MR. TUCKER: You think what happens is the white kids have the privilege of treating these kids this way because they're so secure in what they're going to do?

MS. COBBETT: They're confident either way they're going to pass.

MR. TUCKER: No matter what they do, nobody is going to do anything to them?

MS. COBBETT: Nobody.

MR. CHENEY: Do you know of other incidents of this kind where the parents do not want to come forward?

MS. COBBETT: They were run out of town, and that's why they're trying to do it to me. We're not wanted in the town. These are tactics used to discourage us from living here.

Judy Adame[19]

Presumptions by teachers/administrators that minority students are involved in criminal activity

I have a son who is 16, and he does not go to school anymore because he feels that the racism is so bad in the school system that he refuses to go. I'm from California. I moved here in 1995. My son was labeled a gang member because of his different ethnic colors. When he would hang around with his friends who were of different ethnic backgrounds, people would consider the group as a gang.

My son often wears baggy pants. In 1995, when my son was 15, he was walking to class and a school official accused him of having drugs in his pants. They literally strip searched him in school. They took his backpack and searched everything on his person, his pants, his shirts, his shoes, took everything apart. They also accused him of selling or doing drugs in the school system. I contacted an attorney and scheduled several meetings with the principal at the school and, coincidentally, every time the meeting came, he canceled at the last minute for some reason or another.

DISCUSSION

MR. TUCKER: Did you report this to the Human Rights Commission?

MS. ADAME: No. I didn't know who to go to. I was just trying to help my son and reinforce him in the conferences.

MR. TUCKER: Since part of the racial harassment policy is to inform parties of agencies that are available to them, did anyone in that school say anything to you about that?

MS. ADAME: No. I went to the school the next day because my son came home. I was not even called to be there when he was searched if they wanted to search him. I believe his constitutional rights were violated because he was not given the option to refuse to be searched. When my son came home, he was very depressed. During the evening he discussed it with me, and I was appalled. And I said, "I'm going to school with you first thing in the morning," and I did. I voiced my opinion. I told school officials they were being very racist. I said in essence, "He hasn't even been here very long and you're already accusing him of being a gang member, a drug pusher. And I'm very appalled that you searched him without my permission and did not notify me first or give me an opportunity to be present while he was searched or even hire an attorney to defend him if he even had something on him." Ever since that day he has not liked school, refuses to attend, and wants to move out of this State. We're constantly having conflicts in my family now because of the difficulty with the school system. They think anybody who is of a different racial background is bringing drugs into the community and belongs to gangs. There once was an article in the newspaper which reported that every nonwhite person register with the police department when they move into Rutland.

The other thing I wanted to add is his expression to me is he felt the staff was very discouraging toward him and very prejudiced toward him in relation with them thinking that he's a gang member. They did not have much verbal contact with him or help him in his goals in completing his subjects. And he felt uncomfortable. A staff person mentioned to me that while at a meeting with school officials, other staff seemed very prejudiced toward my son for some reason. The person said that she understands now why Richard was cutting school and getting frustrated and discouraged because he's getting taunted in the hall with looks and namecalling by the teachers.

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[19] Adame testimony, *Rutland Transcript*, pp. 218–31.

Judy Arnado [20]

Incidents of verbal and physical assault and response by teachers

I am a parent of a 16-year-old son and a 23-year-old daughter. My son currently is enrolled in the Mill River school district. When my daughter attended school in this district, for a full year she was spit on, her lunches were smashed, and her books were knocked over. We had phone calls all night long. She was called a Filipino whore. One night we had to unplug our phone because it wouldn't stop ringing. The teachers and students ignored the problem. A young man approached her and frightened her so bad that she thought she was going to be hurt, and she defended herself. She begged me not to say anything because nobody would do anything.

When my son got to high school, I came home one day and found him standing in our yard with tears running down his face. And I asked him what was wrong, and he said, "They're calling me Oreo and they're calling me nigger." He was in chorus, and they were kicking the chair when he stood up into the back of his legs. He asked me to sell my house and move because he didn't want to go to school. He didn't go to school for about 3 days.

I have brought my children up to be very proud of their national origin. My son doesn't even want to play football this year because of the racial names. So it doesn't start in middle or high school. It starts when these children are born with their parents teaching them colorblindness. I've talked to the school and they just sweep it under the rug. I contacted the school and I was told on several occasions, "Oh, it won't happen again." The parents of these children would be horrified if they knew what was happening. But these children certainly knew what they were doing.

DISCUSSION

MR. TUCKER: How many times in the last year have you spoken to the school administration about your son?

MS. ARNADO: A couple of times this year. Three or four times last year. These kids have known him all his life, but they still call him these names. And he won't fight back because he knows you're not supposed to fight in school. He doesn't like to go to school; he doesn't do well. My daughter spent a whole year in just terrible pain and fear. She was afraid of the boy who frightened her. So it exists in the schools, and a lot of schools have policies about ethnic diversity at Mill River, but it's superficial. They sweep it under the rug and try to ignore it.

MS. ELMER: Are the policies written in a way that could be used to your benefit?

MS. ARNADO: I doubt that that would happen. If I speak to anybody at all, it's to a vice principal or something and they're very pacifying on the surface, but nothing gets done afterwards.

MS. ELMER: So they're polite to you?

MS. ARNADO: Oh, definitely, but that's about it.

Maria Pelligrino [21]

Racial slurs against minority students, Minority students' fear of reprisal

I'm from Puerto Rico and my husband is a Vermonter. Last week I had the privilege to meet a wonderful family that had to leave Vermont. They were very hurt because since their son came to Fair Haven High School they right away said that he was a gang member.

And I want you to know that there is a lot of racism in school. My kids were called names and being humiliated for so many years. When my son first came from Puerto Rico, he went to the elementary school and they were teaching history and they started saying that Puerto Rico's houses were all shacks and they were built from CocaCola signs. My son tried to say that that was not true, and the teacher started humiliating him in front of the class. I told my husband about it, and like a typical Vermonter he said to just ignore it. And all these years my kids have complained to my husband about the name callings. They've been calling them spics and all kinds of things in school. And I tried to tell them just to ignore it. But at the beginning of this year at Fair Haven High School, my son said that another student would stand in the middle of the stairway every single day when he's going to go to school and let everybody pass except when it's my son's turn to go upstairs he holds him back. The student runs in front of my son telling him he is going to be last because he is Hispanic. Finally, one day he told me, "I'm going to punch him. I just can't stand it anymore. He's no better than me." I said, "Don't do it; talk to somebody instead." He said, "Why am I going to talk to somebody? They know what's going on. They really don't care." I know there's at least one teacher that does care, but a lot of the teachers just ignore it. Last year things got really bad. One student used to write racist remarks about blacks, Hispanics, and all people that are nonwhite. He also said that he wanted to be like Hitler.

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[20] Arnado testimony, *Rutland Transcript*, pp. 240–45

[21] Pelligrino testimony, *Rutland Transcript*, pp. 245–52.

Last year one of the kids who they had a lot of problems with because he doesn't like Hispanics or blacks or nobody was expelled from school, but he's back this year. And my kids are afraid that one of these days he is going to explode. These kids brainwash other kids to believe what they believe. And they see our kids like intruders and ask, "Why do they have to come to Vermont?" I try to teach my kids to respect other cultures and to respect others. A lot of people don't want to admit that there's a problem. And they say that they like the way Vermont is and people who don't like it should leave. There is another kid that graduated last year that called my daughter all kinds of dirty names. She was always nervous and complaining. She was crying a lot and didn't want to go to school. And this year she wanted to move back to Puerto Rico. I can't stand it.

I know that this is going to continue and if somebody doesn't do something about it, other new kids will be going through the same thing.

Summary

Parents articulated common themes of racial harassment. They referred to instances of physical assault and racial slurs committed against minority students, pointing out that some of these were tolerated or ignored by teachers and staff. As a result, parents believed that some Vermont schools had unsafe learning environments and caused minority children to fear entering school and participating in school activities. Parents identified difficulty working with administrators and teachers over issues of race and felt there was a lack of respect and sensitivity to minority student concerns. Parents claimed that teachers and administrators are prone to assume that minority students were the cause of illegal activity or disruptive behavior. According to the parents, inappropriate teaching methods and curriculum materials also contribute to promoting racial stereotypes and a climate of intolerance.

Parents recommended that the State take appropriate action to identify and prevent racial harassment incidents, assist school districts to recruit minority teachers who can serve as role models in the classroom, and actively investigate each school's compliance with the State Anti-Harassment in Education law. They also added that teacher training be conducted to help administrators, teachers, and staff develop an understanding and commitment for diversity.

Teachers, School Administrators, and Support Personnel

Six teachers, school administrators, and paraprofessionals shared their perspectives on the overall racial climate in Vermont public schools and solutions for improving school climate. The panelists offered examples of teaching methods that promote racial stereotypes, ways to foster teacher responsibility and accountability for safe learning environments, and tools to improve school curriculum.

Table 2.2

List of Teachers, School Administrators, and Support Personnel

Presenter	
Debra Stoleroff	teacher
Michael Henderson	teacher
Mary Jane Marchelewicz	paraprofessional/educator
Leigh Pfenning	principal, North Avenue Christian School
Carol Ode	chair, Burlington School Board; member of the State Board of Education
Bill Herrington	counselor, Rutland Middle School

Debra Stoleroff [22]

Pervasive racial harassment in the school setting, Stereotype-promoting teaching methods, Labeling of students with emotional, physical, or learning disabilities, Solutions for improving school climate

I'm an educator and have taught in three different school systems in Vermont. I have lived in Vermont since 1973, having previously taught in schools in east Harlem, New York. Since entering the public school system in Vermont, I've seen more racism and harassment than I ever saw in any New York City school. In New York I was in a very wonderful alternative school in east Harlem. We taught diversity training every day and it made a difference. I can say that there is a lot of harassment that goes on in Vermont schools, and it's not only towards African American children, it's also directed to Native American students, and children who are of different religions or just of different backgrounds.

Racial or ethnic harassment on the part of students, administrators, and educators and staff within schools is for the most part subconscious and, therefore, embedded in the culture of the school. Teachers do not pick out one culture as better than another, but when they teach about another culture they often do a short unit which only skims the surface and serves to strengthen stereotypes. For example, in teaching general Native American culture, the fact that there are hundreds of different native cultures in the U.S. is ignored. This creates stereotypes. When teaching about Native Americans, the focus is on a time that does not look at the present culture or question why the culture has evolved as it has. This also creates stereotypes. Done with the best intentions, teachers often focus on romanticized parts of the culture. Other students study general Native American culture from the point of view of westward expansion, which by its very nature looks upon Indians as heathens. In trying to create neat hands-on activities, artifacts are presented as crafts rather than having the spiritual significance that helped to define the culture. Similarly, black history is often taught 1 week in the year around Martin Luther King Day. Students celebrate the sufferings of slaves and jump to the civil rights movement and stop there. They are not taught to question what has or has not changed since that time. This type of study helps maintain the notion of "other" because we study the time as an object rather than as a living reality.

Many children feel the effects of ethnic discrimination around holiday time. One school in which I taught had a lovely tradition of having the staff gather at the doorway of the school on the last day before Christmas vacation and sing Christmas carols to the students as they came from the buses. Most children loved the serenade, but the message for the Jewish, Muslim, African American children who celebrated Kwanzaa, and children of other religions was that they were less important, not deserving, and second class. I had a Jewish child in my class who was constantly asking, "Are you Jewish? I can't believe it." I was someone he could identify as being like him. He found this comforting. Not a peep was made about Hanukkah or other holidays at that school or celebrated at that time of year.

In an attempt to celebrate diversity at another school, I and another colleague developed a celebration to enable us to celebrate all holidays whose major symbol is light, Hanukkah, Kwanzaa, etc. We also studied the movement of the earth and the moon in the solar system; teaching students about the cycles of light and dark on earth. We did this as a result of wanting to broaden our students' perspective of the world, not because we wanted to teach religion. The culmination of this month-long unit was a craft day in which many parents came to offer workshops on making candles, lanterns, lip balm, moon cookies, etc. At the end of the day we would sing songs about the movement of the earth and taking care of the earth. The students would offer thoughts about the earth. We would sit in a circle, and talk about our environmental awareness. It was a very successful program; kids and parents loved it. After the end of our third year of doing this a parent who did not have a child in any of our classes complained to the school board that we were teaching paganism.

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[22] Stoleroff testimony, *Burlington Transcript*, pp. 166–67, 183–89, 195

I'm not here to talk about general discrimination problems, but I think that racism and harassment due to disabilities overlap. In one of the schools in which I taught it was my experience that some African American, East Indian, and Asian children had learning or emotional disabilities. Because they had problems within the classroom and because they stuck out ethnically, they were labeled by teachers. Teachers are role models for paraeducators and children. Once a child gets labeled by adults who unconsciously let their feelings be known, the children who are not as subtle as adults translate this into harassment and start calling others discriminatory names.

Children who are labeled because they have emotional, physical, learning disabilities and happen not to be Caucasian often interpret and translate messages internally such as "I'm bad because I am black, Asian, etc." For example, one time I walked into my office and happened to be going by a supply closet and there was this child sitting there and fretting. And I turned to him and I said, "What are you doing in this closet?" He said, "Well, they put me here." He went on to describe that he had gotten in trouble in his classroom and was sent to the office. The office in the school, which has many problems with discipline, couldn't deal with him and put him in the closet to wait. Eventually I took the kid out of the closet and took him with me. He was not in my class, but for years after that he would try to come to be in my classroom when he was having problems with another teacher. I tried to talk to the teacher to let him be in a place where he felt safe. Obviously I was overstepping boundaries on the part of other teachers, and at the same time I felt I was justified in helping this child. If he felt safe in my classroom, I would somehow provide that space for him. You can imagine the harassment that I got from the teachers as a result of doing this.

Solutions:

1. *Celebration of Diversity.* We need to celebrate diversity. It needs to be part of daily life in the classroom. It needs to go beyond teaching about African American history and Native American cultures. You need to celebrate the ethnic heritage of all children, not just of one type of child. It's about respect and a belief that all humans have at least one strength upon which they can build their future. But most of all, it's about modeling respectful behavior toward all people. In the classroom this translates to the need to celebrate the heritage and abilities of every child. We need to feel comfortable about respectfully calling ourselves, students, colleagues, parents, etc., on moments when we are subconsciously being racist.

2. *Multicultural Learning Materials, Cultural Leaders, and Diversity Specialists.* At a *minimum*, we need to have multicultural books in all classrooms. Our schools, teachers, and administrators need to be of diverse backgrounds. The leaders of diverse cultures are not here in Vermont. We need to see them. We need to help schools, administrators understand the complexities of the various forms of discrimination and how they reinforce each other. There needs to be diversity specialists within every school system. There need to be examples for learning opportunities within the standards. Someone said that it needs to be in the core curriculum. It is in the core curriculum. It's there in the vital results. There are civic and social standards, but they're not addressed. There's nothing to keep schools accountable to this area.

3. *Assessments.* One of my jobs right now is to conduct research on assessments for the Vermont Curriculum Consortium and As-

sessment Task Force. I've been looking all over for the assessments for this area. They're not there. We need to make them up. And we need to hold the schools accountable. I think we need to go through with the lawsuits that were mentioned earlier in the hearing, because then discrimination becomes public. We do a disservice to keep it under the table.

DISCUSSION

MR. TUCKER: How many places do you know that offer courses on institutional racism?

MS. STOLEROFF: There are very few. Systemically, we don't address the issue.

MR. TUCKER: We don't address it from an institutional viewpoint. I'm concerned because I think that multicultural people like yourself who don't get to address the issue that really is systemic within the workplace, schools, and our lives is so deeply borne into the American culture that all of us play out our roles because we're born into that, and institutions are so systemic that we don't deal with it. And so we hide that under diversity. We never address it. We talk about multiculturalism, we talk about ethnicity, we talk about everything, but we do not talk about systemic and institutional racism.

MS. STOLEROFF: One of the ways we need to address it is systemically from the bottom starting with the kids. I've worked with children from 22 months to 22 years old. I have had a gamut of kids that I've worked with, and I know you can get children at day care level talking to each other, learning how to say, "You hurt me, this hurt my feelings," having a teacher there so that they feel safe that they can talk to each other and figure out what wasn't okay, having somebody be there to help them mediate problems. I've been successful at creating this type of environment within my classroom and having kids feel empowered at all levels. In fact, when students come in from the playground where there has been some sort of instance that has disturbed them and can't figure out, they often ask me what to do. You take them at the very moment and ask the students who have been involved in the situation to go figure it out, let them go and scream at each other and discuss their feelings. It took some time to teach them how to do this. If they couldn't come to a resolution, the class suspended their work and we sat down as a class to figure out what was a way to help these two people solve their problems. The expectation was that our classroom was a community and we need to respect each other, work out our disagreements so that we could learn together. One time when a 4th grade boy had been called all sorts of names because he played with a doll, we sat down as a class. We talked about "isms." Where do you learn them? As a class we made a chart and the kids spent the rest of the year coming in daily and listing "isms" they had noticed. The listed what ism it was and where they learned it.

I think one of the underlying causes of any harassment is low self-esteem. We should boost kids' egos for whatever reason so that they don't feel like they have to harass somebody else to boost their ego. In a class where there are many different kids with many different strengths you can at some point gently, if not overtly, let a kid know what their strength is and call on that kid to help other children use their strengths so they look to collaborate with each other.

Michael Henderson [23]

Teacher accountability

I would like to focus my presentation on teacher accountability. We should ask how do you get people to choose to do things differently. It's the reason we have in-service days for teachers. I've done some workshops at different schools, and the primary reaction we've gotten is a denial of the problem and the need for improvement. That attitude is reflected in the teacher's stance, in their body language, and the way they shuffle children in and out of workshops.

The reason I'm focusing on the schools is I believe that the schools need to be safe. The reason I'm focusing on the teachers is because they're people, they're parents, they're Vermonters. We've heard about what Vermonters are like in some ways in terms of being isolated. And I focus on the teachers because as people they are keeping the same standards going. It seems that once they get their curriculum in place, they're not moving forward. For example, we had the book *Little Black Sambo* still on a teacher's shelf in school. She was asked to remove it by one parent, and I think part of the reason that there was a confrontation there was perhaps the dynamic between the parent and the teacher. I think the teacher knew that the time and place for that book should have been gone a long time ago.

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[23] Henderson testimony, *Burlington Transcript*, pp. 178–82.

So you ask about possibilities for change. We've been asked by teachers to bring in multicultural books. I would like to see more books in the library. Basically you find people who are very stuck, people who want to change, and people who are open.

In my particular school, the librarian is a very open person, but I'm not sure that all the teachers within that school are following her and availing themselves to the work that she's doing to make these books available. I'm not sure how you can legislate a teacher so that he or she wants to be the best possible person that they can, which in turn makes them the best possible teacher they could be.

So you have a wide range of dynamics in the school that we've seen. My wife and I have a very hands-on approach. We basically go knock on doors when we have a problem with another parent or another child, and basically I approach the problem from the standpoint of "our children have a problem." I'm sure you and I as parents always go in with that as an assumed idea and want to help our children resolve their differences. I'm oftentimes talking about the parents and their ideals when in reality we have to believe we're addressing the children's problems. One suggestion I learned of came from a friend who is an educator and a camp director. He often takes groups of his friends out to plays, movies, etc. His feeling is that we'll all have a common dialogue by having common experiences. And perhaps that was one way if you can get the teachers to have common experiences, either through plays or art.

DISCUSSION

DR. JOHNSON: Do you have suggestions regarding how can we get at encouraging each school to celebrate each child? If one does that, it not only picks up the minority child, but it picks up every child.

MR. HENDERSON: I think any time you show appreciation in someone you're valuing that person. The problem stems from who's making the judgment of what's to be appreciated. Any time that you can acknowledge a child and make them feel wonderful for being distinctly who they are, you're doing great wonders.

Mary Jane Marchelewicz [24]

Treatment of minority teachers by other professionals

I am a paraprofessional and educator in the South Burlington school district. The reason I'm here is because I see things going on with all kinds of kids at different age levels in a middle school environment.

I had an African American friend who was an educator at the high school. A year before she knew she was leaving the area she quit her job at the school. She was a strong, tall, positive, and dynamic woman who could not stand how she was treated by the staff at the school she had been working at for 4 years. She was not greeted in the halls. She would go into the business office or the high school office and get no response. There were very few people on the whole staff that would even say hi to her in the halls. So we lost her. The kids were furious when they lost her.

When she was here, one of the first things she did when she first moved to Vermont was go to an educational conference in the Burlington area. At lunchtime she went into the large dining hall and she didn't know anyone, but she was the only African American there at the time. She saw this table that had a few empty seats, and she went over and sat down and said, "Is it okay if I join you?" and they said, "Yes." And every single seat in that lunchroom filled, and there was an empty seat on either side of my friend. The last person that came into the dining hall sat next to my friend and sat with her back to her. Nobody spoke with this adult woman at a luncheon of educators. It is no wonder a little 5 or 6 year old is insecure in our school systems, because this is how the educators act.

There are tests, there are exams. You have to pass the board to be a lawyer, you have to pass your CPA exam to be an accountant, but anybody can be a teacher. Sometimes wanting to be isn't enough, and perhaps we need to look at who is going into education and what is in their heart and what they plan on doing.

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[24] Marchelewicz testimony, *Burlington Transcript*, pp. 201–12.

We had another African American family in my community, and their kids were in the school system with me. The 13-year-old boy was hit by a car on his bike in his middle-class white neighborhood, and the vehicle did not stop. His younger brother told me the story. Of course, this black family felt that it was because of the color of their skin that this vehicle didn't stop, and nothing you could say to them would change that. So I went to one of his team teachers and explained the situation. I asked his teachers to take it easy on him because his brother got hit by a car and is having a hard time. And the teacher said, "He doesn't think it's because he's black, does he?" And I said, "Doesn't matter. If that's your reaction, why shouldn't he think it's because he's black?"

The parents that presented their stories to the Advisory Committee asked, "What can they do?" I've been on the superintendent's Multicultural Diversity Committee for 4 years. It was started partly because there were hate letters written to black and Jewish kids in their lockers at school. The parents were outraged and gathered and wanted something to be done. And my friend that had been shunned at the luncheon and was shunned by her coworkers, myself, and several other people served on this committee. We were there for 4 years and met once a month. It has more or less folded. We started a committee, but the superintendent didn't really like how that committee was heading, so he said he was going to have a Multicultural Diversity Committee meeting. My friend has moved away, and the rest of us were just plain tired of feeling like we were accomplishing nothing, spending all this time so that it could be said that the community had this kind of committee which was a mere rubber stamp for the district.

What bothers me is that if the University of Vermont becomes involved in the problem and offers to provide diversity training, the school system will make the training mandatory and you're going to have those that respond, "What do I have to do that goddamn course for?" I know. I've heard it. I don't know how we get to them, make them understand the issue, and later treat all the kids the same. We need a workshop in understanding, not tolerance. I hate tolerance. Tolerance is putting up with. Let's have workshops and get the teachers involved, get the people in here that can explain what the minority community is going through.

DISCUSSION

MR. CHENEY: Are you still employed at the South Burlington school district?

MS. MARCHELEWICZ: Yes. I was asked this morning, "Are you sure you want to speak?" And I said, "I had a job before I came here and I'll have a job when I leave."

MR. TUCKER: It concerns me that we even give credence to that kind of intimidation.

MS. MARCHELEWICZ: But they do. You know they do. But I don't really care. I'm going to expect there are 40 staff members at South Burlington High School, and I know my friend didn't have but maybe 5 that were openly friendly. Most people say, "Hi, how are you." They really don't care, but they at least say it. But she wasn't even greeted.

MR. CHENEY: We hear from the education department that everybody has a good heart; they just need to be taught. I think you're giving us a slightly different message.

MS. MARCHELEWICZ: When I lived in Montpelier I used to get in more trouble over there because I'm outspoken. I don't whitewash it. We've done enough dancing around and pretending and I see it in the kids. My contact with the few African American kids at school is such that I have one little guy that comes by me and pats me on the head and said, "Nice afro, Mrs. M," but not everybody is welcoming. I see the new kids when they come to school how long it takes them to find a comfortable place to have lunch. And I've said to teachers, "How's that kid working on your team?" They respond, "Okay." I said, "Well, it doesn't look like it; they're sitting there having lunch alone." And the teacher goes on eating the lunch, and nothing happens until that kid can finally find his or her place and connections.

There are teachers that are very good, and I don't want to say that they're all like that, but probably because the educators in the system today came out of a teacher core. They've been there a long time and they're tired. They don't want to do it anymore. This is a real job to them. They've lost that feeling of why they went into teaching, and they are burned out. They shouldn't be there for 30 and 40 years. The gap is too wide between the problems and the ages of the kids.

Leigh Pfenning [25]

I'm a Native American in heritage. I am currently the principal at the North Avenue Christian School. Mayor Peter Clavelle said very clearly that our schools are a place of violence. One of his questions was, How can we build an environment of respect in our schools? I want to tell you up front that education will not eliminate racism. Racism is real but politics will not eliminate racism. Racism is an issue of the heart. And here we're not only dealing with racism involving African Americans, we're dealing with racism involving Asians, Hispanics, and every other person or group that there is.

Carol Ode [26]

Efforts to improve school curriculum

I come here tonight to speak as an individual. There is no place for hate and prejudice in our country. We all must work to make the basic tenets set out in the United States Constitution a reality. Our dreams, our ideals must become real. Our Nation stands for equal opportunity for all. Our public schools, public education, stands for equal educational opportunity for all. To the extent that we as a public school system and our Nation fall short, and we do, we must continue to improve.

This forum is one of several on race I have attended. The experience hearing people today has been humbling but also inspiring. The incredible strength, humor, idealism, caring of the children who have spoken and of the adults who have spoken. The voices have been full of anguish and anger but also of love and hope. We expect more of our country and for our lives in this country, and we should. I personally will continue to work hard, try again, and try harder.

DISCUSSION

MR. HOFF: Based on what you heard at this forum has that enhanced your awareness of racism within the Burlington public school system or is this something that you already were well aware of?

MS. ODE: Yes.

MR. HOFF: Do you have a systematic approach to this within the school board?

MS. ODE: We do. One of our strategic planning goals is around diversity, and we have been working on it in many areas to improve how our district handles issues around racism, ageism, and sexism, and we have a definition of diversity that is fairly all-encompassing.[27] We have just hired an equity diversity coordinator for the district and are continuing to look at our curriculum. We are trying to increase the pool of applicants for positions in the Burlington school system, and we have. Since our strategic plan was implemented 3 years ago, I believe we've hired eight or nine people of color in the district. And we're working with community and with family involvement. We're trying to meet the individual needs of all students, and it's a very overwhelming task but one that we continue to work at.

On the State level, the National Association of State Boards of Education has as one of its foremost goals the appreciation and awareness of diversity, and that is one of the goals that is also embraced by the State Board of Education.

MR. HOFF: Well, two people in the State Department of Education testified about what a difficult job theirs was and the fact that there wasn't sufficient funding for them to do a whole lot more than they're doing now. Would you be supportive of the department's seeking a higher appropriation in that area?

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[25] Pfenning testimony, *Burlington Transcript*, pp. 290–94.

[26] Ode testimony, *Burlington Transcript*, pp. 294–305.

[27] The school district's definition of diversity/policy is as follows: Our school community is a living organism composed of diverse members. The appreciation of this diversity can and should be one of those values which is shared by members of our school community. Each member must be free from fear, pain, and oppression in order to function fully as an individual and to enable each individual, as well as the community as a whole, to reach its full potential. Failure to fully see and appreciate others for any reason—race, gender, culture, nationality, language, ethnicity, religion, style, viewpoint, age, health, sexual preference, physical differences, or socio-economic background—results in the diminution of the whole and prevents us from fulfilling our mission: The Burlington Board of School Commissioners has as its mission, through its schools and its staff, to educate students for the present and to prepare them to participate in, influence, and shape the future.

MS. ODE: I think funding is critical on the *local* level.

MR. TUCKER: Do you think some kind of mechanism could be put into place that parents would have access to those people who represent them and not just hear what happened from the administration?

MS. ODE: We do have a harassment policy in the district and individual complaints do go through the procedure that's set out that backs that policy up. School board members don't follow each of the complaints that come in, but we are completely accessible to the public via telephone and not just board meetings and so forth. We live in the community and people can and do contact us. What we would probably tell people, however, is that we will absolutely listen and help in any way we can to make sure that they go through the procedure that's in effect so that appropriate steps can be taken.

MR. CHENEY: Could you tell me how you rate your school system in terms of dealing with racism? What's your personal assessment of how that job is being done?

MS. ODE: I don't have a ranking for you. But I think it is something that over the past 5 years has become a critical issue in the school system, and it's something that the board, community members, teachers, and administrators have spent time on through the strategic planning process over the past 3 years. Quite a bit of time has been spent on this effort, and I would have to say that we are growing in our understanding and continuing to work to make things better.

MS. SAUDEK: One of the things that was absent was any attention to the overall curriculum.

MS. ODE: Our curriculum director is working on that.

MS. SAUDEK: Is it a high priority?

MS. ODE: Yes, it is. Another thing I didn't mention was teacher education. We've had Merryn Rutledge of the Vermont Equity Project do work on awareness of diversity issues in literature. It is something we're working on. It is a high priority. It's a lot of work to do because textbooks come as textbooks come, and literature that people have read for years hasn't always spoken to all of us who have been reading it.

DR. HAND: We've been talking about harassment policies, ways to deal with this. This is an external process which is imposed upon systems.

MS. ODE: The harassment policy? No. The State has mandated that we have harassment policies, but then we work on how our district's policy should look. It includes everything it needs to under State law, and it is tailored to meet our needs and is always changing. The school board actually writes the policy, and we hear comments over time about how it's working. For instance, parents have complained that they don't know what has happened to a particular student whom they feel has violated our policy. Even though the student has been appropriately disciplined, that student is protected by laws regarding student confidentiality. Actions taken by the administration can't be divulged. So, as a board, we ask ourselves, how we can communicate better than in the past that procedures have been followed yet protect student confidentiality. So you start out with a policy written a particular way and then you get comments, complaints, and questions about how it's working, and then you further tailor it to meet your districts' needs.

Bill Herrington [28]

Methods schools can employ to foster greater tolerance and respect for minority student concerns

I'm a licensed clinical social worker and hold the position of support services counselor at the Rutland Middle School. We are a 7th and 8th grade school with a student enrollment of 400. We presently have 15 minority students in our school. Last year we had 12 minority students. Less than 4 percent of our student body are minority students. I have worked in the Rutland public school system for 9 years. My perception of racial harassment in our school is that there is not a smoldering problem in need of immediate attention.

On January 20, 1997, the principal at our school invited all parents of minority children to attend a roundtable discussion about multiculturalism and the issues that confront minority children in the public school. One-third of the parents of our minority students (which would be four) attended this forum and did not express concern about racial harassment. They instead expressed concern that we did not offer more multicultural experiences for students at our school. They felt that prejudice was alive and well in Rutland even though it might not overtly rear its ugly head in the form of racial harassment in the schools. If our school provided more multicultural experiences for students, then there might be better understanding, appreciation, and sensitivity to multicultural issues.

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[28] Herrington testimony, *Rutland Transcript*, pp. 193–207.

I recently had an opportunity to speak with 12 of our 15 minority students. They did not feel that racial harassment was a problem in our school. One student had experienced racial harassment in 6th grade and when brought to the attention of the administrator this student felt it was resolved. I am aware of an African American student last year who was a recipient on several occasions of racial slurs in the heat of verbal disputes with peers. These incidents were immediately addressed by our school administrator. Has racial harassment occurred in our school? Yes. Is it a smoldering problem that needs immediate attention? I say no. I am more concerned with the general lack of empathy that many of our students have for each other no matter what their ethnic background. Many students seem to have little tolerance for individual differences, whether it is height, weight, socioeconomic standing, religious affiliation, sexual orientation, or ethnicity.

I recently had a group of 25 peer leaders from the Rutland High School come to our school and present an interactive program to all of our 7th graders about appreciating individual differences. We plan to follow this program up with a peer mediation initiative that utilizes high school students trained in conflict resolution to mediate middle school conflicts.

The Rutland city school district has a harassment policy that was approved on July 25, 1995, and is included in its entirety in the Rutland Middle School Handbook, which is distributed to every student in our school at the beginning of each school year. This policy has also been distributed to all school personnel and is posted in a conspicuous location in our main office. Last year the principal personally discussed this policy with the whole student body. We have not made any whole school public comments about this policy this year other than encourage and expect all teacher advisory staff to review the Rutland Middle School Family Handbook with their students.

It is my belief that *all* forms of harassment are a smoldering problem in the public schools which need immediate attention. We need to provide training opportunities for students and staff that reduces prejudicial behavior. All of us carry some unintentional prejudices from early experiences in learning. These prejudices will only be reduced through training by a culturally diverse group of trainers.

Approximately 4 years ago, the Mt. Elmore Institute provided a sexual harassment workshop for all Rutland city school staff. This was a very informative and sensitizing experience. It would be very timely for our students and staff to participate in some diversity training that moves beyond the legal response to harassment and attempts to reduce prejudices through awareness and empathy-building activities.

I applaud the time and effort of the Vermont Advisory Committee in organizing and facilitating these forums. I hope that your report and recommendations will indicate the communities and schools in Vermont need to develop plans and strategies to reduce all forms of harassing behavior and not limit your concerns solely to racial harassment.

DISCUSSION

MR. CHENEY: Bill, you must have a unique school because the testimony is in variance with statements that people have brought to us quite forcefully, problems with minority students in the schools. You're also the only staff person that's come before us to give us this information.

DR. HAND: When you say there's no smoldering problem but there are isolated incidents, how are they reported to you? How are you aware of them?

MR. HERRINGTON: The incidents that have come to our attention have either been observed by our staff or have been reported by other students. And I guess my feeling whether it's racial harassment or any other form of harassment is that we need to do an educational piece and try to build empathy on the part of the perpetrator towards this kind of harassment. So I can't say that in all cases, or even in the majority of cases, there will be a suspension or some other strong disciplinary response. It's more trying to get the perpetrator to understand what it's like for the victim to experience this kind of behavior.

DR. HAND: But you don't think there's any inhibitions in reporting these incidents?

MR. HERRINGTON: I don't believe so.

MS. ELMER: Do you feel that the children that you can so easily identify feel that your school is a safe environment? What we've heard from countless parents and students is not only is the school not a safe environment but parents are having to give up jobs to go into the schools to monitor on a regular basis what's happening. Clearly that's not your experience, but can you address that at all?

MR. HERRINGTON: I guess it's not my experience specifically around racial issues. What I'm concerned about is harassment in general. Before I left today, almost the last period of the day I had an obese student who's very sensitive about his weight who had been harassed about his weight, and those kinds of things happen often and frequently. So it's not just racial harassment. I'm just concerned the lack of empathy the kids have for each other.

MR. TUCKER: We heard from a person that bullying leads into the kind of behavior that children can end up being racially harassed. If they do sexuality, they will do another ism. We just happen to be specializing in racial harassment because of the uprise of this over the Vermont school systems, and it hasn't been approached. Also, it's clear to us from what's been told to us that not a lot of children of color feel comfortable about going and saying something to school officials.

MR. HERRINGTON: I can only tell you my perspective. When I spoke with these students, I told them that I was going to be coming here. I said, folks, this panel really needs to hear what life is like for you in these schools. One African American student spoke about an incident during a game against another school. As the players were walking down, they were shaking hands and one student did not want to shake with him. When I asked him other experiences that he's had in our school-he was unable to articulate. And whether that's because my color is a barrier to him, I'm not sure, but I really was not hearing from these kids that racial issues were making it an unsafe place for them to come to school.

MR. CHENEY: Do you know of anybody else in the school system that was going to come to this forum to talk about the issue of racial harassment in schools?

MR. HERRINGTON: I knew several other people that were approached, and I hate to speak for other people, but I think what I was hearing was that people, at least within our school system, felt more concern about sexual orientation and harassment. We do have concerns about a variety of different forms of harassment but did not feel that racial harassment was a major issue or concern.

MR. TUCKER: Well, schools must be changed in Rutland because when I went to school people who bullied bullied, and they bullied an enormous amount of groups. Also, I know as a parent of three children of color that they're not going to feel comfortable about telling everybody about the stuff that happens to them. In the work that I do in this State, I get a lot of calls from Rutland. I find it hard to believe that a school in Vermont today is a sanctuary for a child of color when he's getting it from all these other places. There is no minor issue for kids when they're attacked racially. There are no isolated incidents.

DR. GUSTAFSON: In regards to the parents that were concerned about the curriculum rather than specific incidents, do you know if there were ever changes made to the curriculum? Did that become a project of the school?

MR. HERRINGTON: The principal at that particular time had wanted to keep this particular committee going. He since has left. We have a new principal. Although I'm a counselor there and I was at that forum, I must say that it has not continued.

Summary

Teachers, school administrators, and support personnel provided an overview of racial harassment in the pubic school system. They described teachers' and administrators' denial of the existence of a problem and a failure to take appropriate steps -to maintain a bias-free environment in the schools. They allege these factors contributed to racially hostile learning environments. They cited a specific incident of hate mail directed to African American and Jewish students, and discussed the use of inappropriate curriculum material and general insensitivity to minority student safety concerns.

One school counselor believed that all forms of harassment have occurred in his and other public schools. Although this counselor did not know of particular incidents of racial harassment in his school, he acknowledged that racism existed in his community. He also noted that he did not view harassment as a problem in need of immediate attention. Despite this belief, he informed the Committee that his school has instituted multicultural roundtable discussions with students and a peer mediation program designed to reduce prejudicial behavior. The panelists identified other solutions, such as the need to celebrate diversity, the development of multicultural learning materials, recruitment and hiring of teachers and administrators of diverse races and backgrounds, and the presence of diversity specialists in each school. The panelists generally agreed on the need to increase staff accountability through the use of mandatory multicultural training for school personnel and State assessment of schools' antiharassment efforts.

Community Organizations, the University of Vermont, and the Vermont Department of Corrections

Various community organization representatives working with racial harassment issues in public and private segments of Vermont communities shared with the Advisory Committee their perceptions of the problem. The panelists described the overall racial climate in Vermont institutions, including elementary and secondary schools and institutes of higher education. Panelists also noted improvements that could be made to current teacher training and recertification to help teachers and administrators better deal with issues of racism and harassment. Two advocacy organization representatives described prospective programs that would use both teachers and students to address racial harassment in schools.

One panelist offered her insights into the challenges facing parents who adopted children outside their race. In addition, a diversity model used to train correction officers and inmates was introduced. That program has the potential to be offered to the State's public school system. Finally, the perspective of a reporter who has covered racial incidents in Vermont is included.

Table 2.3

Community and Advocacy Organization Representatives

Presenter	Organization
Donald Grinde	director of Alana Studies, University of Vermont, professor of American Indian History
Joseph Gainza	field secretary, American Friends Service Committee
Merryn Rutledge	president, ReVisions Consulting; director and founder of the Vermont Equity Project
David Shiman	professor, University of Vermont, College of Education-Social Services
Heather Clark/ Jay Simmons	training coordinator, Vermont Department of Corrections
Tory Rhodin	clinical social worker, Casey Family Services (post adoption program)
Shay Totten	editor, *Vermont Times*
Aundrie Robinson	Round Table of Unity

Donald Grinde [29]

Institutional racism

Over the past 3 years I've set up an academic program that focuses on race and racism and the history of people of color in the United States. The purpose has been to offer students a curriculum that deals with race and solutions about race in America, provide support to State and local communities and institutions, and share our resources with institutions that need this knowledge.

My perspective is that racism invents and reinvents itself over and over again. That's how it persists. It's like a virus which emerges in a different form and takes on different dimensions every generation. Institutions need a proactive response to racism so they can stop replicating racism and buying into its new forms because always the new inventions appear to be nonracist. Everybody is always sure that racism existed 25 years ago. It's important to realize that problems we see in the schools are similar to the problems in the university. We've also had white students harassing faculty of color, so it's not just student to student.

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[29] Grinde testimony, *Burlington Transcript*, pp. 90–104. Mr. Grinde presented testimony to the Committee which is presented in app. 10.

One of the things the university can do is teacher training. We need the State to mandate courses on racial sensitivity for teacher training and certification. We need to examine what those courses will be about in consultation with university faculty, Vermont State Board of Education, the Advisory Committee, and the Human Rights Commission and set up exactly what the institution of public education needs in the State of Vermont. We need everybody to take ownership. We need school administrators, teachers, parents, and people that train teachers at the university to buy into this as a societal problem that needs to be addressed. This training should be followed by additional workshops where we take a long, hard look at how we train our school administrators about race and ask what resources do we have and how can we train them so that incidents of harassment can be mitigated and prevented.

One of the problems that I found dealing with race in Vermont is often there's a denial that, "We don't have those problems here or they're so minimal that they're incidental." And as long as we have that kind of denial, we don't have people buying into the solution or recognizing that there is a problem. Race becomes something that is episodic, incidental, and unusual, because the norm is kind of an aracial society. That's simply not true as testimony today and the experience of people of color, as well as the experience of whites too, in this matter testifies over and over again.

There must be an acceptance that Vermont is becoming a much more diverse place and that in reality sometimes the racial problems actually complicate themselves. That doesn't mean that we should give up on this, but we should realize that with diversity you go from talking about what you ought to do to actually doing diversity. And rather than speaking the good talk and noble ideas, suddenly you are confronted with people of color in the classroom as your colleagues. It's quite different to say we ought to be diverse than when we are. And I think sometimes that's a problem in the public schools too. You want to talk a noble ideal, but implementing it is a completely different step than giving lipservice.

Those are some of the things the university can offer. Over the last 3 years I have strived to hire at least six or eight faculty of color for the sociology, history, and religion and other departments that conduct research and have insight into race and racism in America. We also have whites that are committed to this problem. Without the white community and leadership buying into this dilemma as a real problem, often training about race and racism is merely people of color standing up and complaining while others sit and listen and then go home. We need more specific programs and cooperation at all levels to address these problems.

DISCUSSION

MR. CHENEY: Say you had the floor with the State Board of Education, what recommendations would you make from what you've heard today?

MR. GRINDE: The Department of Education should make recommendations about training teachers about issues of race and racism. The Vermont State colleges and the university should be brought into that discussion. We're beginning to attempt that in the university's school of education with various courses on race and racism.

MR. CHENEY: Is your curriculum for the university or would it be suitable for elementary and secondary teachers?

MR. GRINDE: If it's suitable for teachers that are being trained to be elementary school teachers, then certainly similar curriculum could be given to existing teachers and administrators that are coming back for their master's degree or recertification. To address issues unique to Vermont, we could have people from the school of education and the State Department of Education to describe things that happen in our schools and ways to effectively deal with them.

One of the things that is important is for the university to hire more people in this area. We have a need within the university, and now we're hearing that there's a great need in the State. Perhaps the university can be called in to help in that. If that's going to happen, then resources need to be made available. Certainly this problem is something that hopefully the university through its faculty and its expertise can at least be a partner in the solution.

DR. JOHNSON: Do you see the university spearheading research for the school system?

MR. GRINDE: Color is the number one problem of the 20th century. Dealing with racial tension and with racism is and remains extremely important. The problems change or redefine themselves over time, and part of studying racism is we must be aware of how racism changes. Certainly there have been people in the State that have begun to study racism and more needs to be done. Secondly, people with antiracism expertise within the university can work with school administrators and the State Department of Education to develop a program that fits their needs and identifies the problems and approaches or solutions that can be developed. What's needed is a community-based situation where you talk, not just with academics, with school administrators, but with parents and hammer out something that everyone can work with.

Joseph Gainza [30]

Prospective solutions to eliminate racism in American communities

The American Friends Service Committee is concerned with the world as it is and as it ought to be. Fundamental beliefs in the individual, seeing the divine in each person, and in the need for peace and justice guide our activities. AFSC is dedicated to nonviolence, opposing both the overt violence of war and the covert violence that erodes the human spirit through deprivation and indifference. What I will say here today is not new to any of you. My intention is to put on record the larger context in which racial harassment in Vermont schools, indeed in schools across the Nation, occurs. Racism is pervasive in the United States. President Clinton has called it one of our most enduring and far-reaching social ills. But racism is not simply a matter of individual bias or discriminatory action. Racism is systemic denial of their full human rights to categories of people based on their race.

What exists in our country, what we call racism, is social, economic, and political oppression. It has historic roots, serves certain members of our society, and pervades every aspect of relations between black and white Americans. American racism is the multifaceted oppression of black Americans by white Americans who wield power. There can be no such thing as reverse racism. The power imbalance is decidedly in one direction.

Racism is not the only form of oppression which disfigures the American dream. Sexism, classism, homophobia, ablism, to name a few, not only oppress people who are not black but also feed and maintain a racially hostile environment. Today we see a growing gap between the extremely rich and the rest of us. To maintain this imbalance of power and privilege, historical antagonisms between races, men and women, gay and straight, citizens, and immigrants and others must be fanned into flame.

As the economic pie is divided even more unequally between the owners of capital and the working majority of Americans, struggles to secure a private safety net exacerbate the misunderstandings and fear associated with the issue of difference. In this context, while necessary, efforts to combat individual acts of bigotry will serve to suppress the boiling discontent which underlies them.

I ask you to use the special platform which is available to you to call attention to oppression in the U.S. in all its forms, economic, social, political, and racial. Only when we name and remove the root causes of racism which are found in these other faces of oppression coupled with the idea of zero tolerance of racial harassment, a steady diminishment of acts of hatred and bigotry in our schools will occur.

Help Increase the Peace Project. What the American Friends Service Committee is offering in the State is a program called "Help Increase the Peace." The program consists of a series of interactive exercises that work with people on issues of prejudice reduction, community building, and nonviolent conflict resolution. We try to engage students at the level of their experience about how they perceive themselves and how they perceive people who are different from themselves and to engage them in ideas about how they might be able to lower the intensity of anger and misunderstanding that sometimes happens when people who have different backgrounds, different ethnic or racial backgrounds come together in a school setting. What American Friends tries to do, in not only cases of racial harassment in schools but in the broader community, is to bring people together in a comfortable environment so that they can begin to see each other as individuals, share each other's stories, and begin to see that the fear that they have developed is based on nothing other than fear itself.

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[30] Gainza testimony, *Burlington Transcript*, pp. 104–14

DISCUSSION

DR. JOHNSON: Is there some way that you have to determine how effective your "Help Increase the Peace" activities are as they go forward into these various problem areas?

MR. GAINZA: Help Increase the Peace has been running in other parts of the country for longer than it has here in Vermont. Here are two examples: In Syracuse, New York, where we have a program going for the last 7 years where young people take action around these issues, they have set up committees within the schools that young people run and address issues of racial harassment and violence.

In western Massachusetts, members of the Cambodian American community have begun to address issues of police harassment for minorities. These are young people who go through this workshop and begin to find language and skills to address these issues in nonviolent ways. These young people have been accused of being gang members and inciting violence in the schools. They are learning ways to respond that doesn't heighten the level of anger and distrust.

MR. CHENEY: Have you tried to share curriculum with educators, people from the university, or State Department of Education officials to develop something that would be useful?

MR. GAINZA: Not with the department itself. I've been approaching individual schools, but I'd be very open to that. I have worked some with the Vermont antiracism action team, and we did a 2-hour workshop on trying to come to a clear understanding of what racial prejudice means in school settings and in society. I also did a workshop in the Brattleboro-Union High School on their diversity days, which tried to come to the same understandings among students.

Merryn Rutledge [31]

Use of inappropriate curriculum and its relation to racial harassment, Need for teacher training on recognizing prejudice

Today I'll focus on course units, materials, and pedagogy to give you a picture of what Vermont teachers are doing in their classrooms. What I see in Vermont mirrors what I have seen as I have worked with teachers all over New England. Vermont classrooms show glaring omissions and damaging images of women and men of color. Some Vermont teachers are creating wonderful examples of inclusive antiracist curriculum.

DISCUSSION

MR. CHENEY: I'm interested in impact and results/changes that you have brought about.

MS. RUTLEDGE: The reason I describe both parts of the picture was to suggest that the results are immediate in the changed perspective and behavior of the teachers (see appendix 7).

COMMITTEE QUESTION:[32] What's happening in the schools when you do this? What kind of impact over time on the children?

MS. RUTLEDGE: It takes about a third of the total staff in my view in order to make any kind of impact beyond the individual teacher's interest in the topic. I think it's immeasurable when the children begin to see that their lives are no longer tokenized, marginalized, excluded, demeaned. White children begin to understand that multicultural education is not about the other; it's an integral, systemic change in the way every teacher does business.

MR. CHENEY: How often do you present this in Vermont schools?

MS. RUTLEDGE: For 4 years I have worked with teachers in Burlington, about one in six in the whole district, each for a whole year or an intensive semester. In addition, I have given workshops and conferences in the Rochester, Vermont, school district and run a year-long Humanities Council project in South Burlington. I've talked with the School Development Institutes at the University of Vermont. They're not interested in what I have to offer. Trinity College has been rather hospitable, I must say. The school districts have been hospitable to the extent I could interest teachers in doing this work.

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[31] Rutledge testimony, *Burlington Transcript*, pp. 212–25.

[32] Questions by two Committee members have been combined.

MR. CHENEY: You're attacking the whole textbook system too. Are they inherently biased in the deficiencies that you've noted?

MS. RUTLEDGE: Yes. And because those systems are in place, and they're going to be in place for a long time, children have to be taught to see and X-ray the cultural systems that we're in the middle of.

MR. CHENEY: I'm still seeking for an understanding of how often you get in the schools, how often you get to make your presentation.

MS. RUTLEDGE: In Burlington I am beginning the fourth year of a semester-long cycle of seminars for teachers.

MR. CHENEY: Have you been in other school systems?

MS. RUTLEDGE: I have given shorter workshops, but not with the opportunity to work for the long period of time that it takes to make substantial change. I'd like to add a kind of prescription for what the kinds of units that teachers have to understand in order to really begin to get the whole picture: Teachers need frameworks for how to evaluate materials. There are teachers aplenty in Vermont who have taken this or that stray course at one of the Vermont college systems. There's very little work in systemic racism. Teachers need to see that periodic celebrations of diversity, like diversity days which so many schools brag about, are superficial when they're not accompanied by curricular attention. Teachers need to know how to recognize the dynamics of prejudice when course units and materials marginalize and make mere tokens of peoples of color. Teachers need frameworks and practical tools, not just theory, which allow teachers to systematically integrate the lives of women and men of color, white women, and others into the curriculum. When teachers merely add to curriculum "recipes" a few women or a few black people "and stir," which is often the approach, without revising core assumptions, the curriculum keeps its white-European norms.

Teachers need tools and ideas for teaching even very young children about race, gender, culture, and stereotyping. The Vermont Equity Project has seen teachers being very successful with children as young as 5-years-old in kindergarten.

And, finally, teachers need education about the connection between curriculum and harassment in the hallways and on playgrounds. Children get mixed messages in Vermont schools with very responsible programs taught by guidance counselors on harassment. These programs are diminished when students walk into the classroom and their curriculum excludes people of color and demeans them. It is further diminished whenever students leave the classroom and perpetuate more harassment.

David Shiman [33]

Lack of institutional commitment to address harassment issues, Preservice teacher training

I teach at the University of Vermont in the College of Education and Social Services. I've been there for approximately 25 years. I also have a 2-year-old child who is biracial and I anticipate that she will encounter some of the issues that the Committee heard yesterday in Burlington.

We can regard students who call others derogatory names or persons who put burning crosses on someone's lawn as sick. However, when we do this it leads us away from looking at our institutions and to only blaming bad people. I think that's a problem that we have to look at when we look at the institutional context that allows or condones racial harassment.

Sonia Nieto, in her book *Affirming Diversity*, writes that, "The ruckus of individual racism obscures the silence of institutional racism." And I think it's a very powerful statement because it looks at the role of our schools in constructing and contributing to the construction of racists, and the role our schools can play to change it. I'm working with student teachers right now and doing seminars. I have observed a lack of urgency to address the question of race in Vermont among many of the white student teachers and students I work with. I have found lately an impatience with the demands being made on them by others whose voices have not been heard in the past.

In many other communities around the State, high schools have a diversity day or a diversity week. Not that that's all they do, but it's a show-case week. As an example of the level of institutional commitment around this issue at one institution, the students in the multicultural club at South Burlington have to raise all the money for the event. The school has not contributed in the last 2 or 3 years even though the issue has been raised by the diversity committee. What is that saying to other students about how much the institution values all students' learning about this when no support has been given? Some support has been given in the form of faculty working with the club, but almost nothing else.

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[33] Shiman testimony, *Rutland Transcript*, pp. 135–65.

There is a nice policy statement that's part of the strategic plan, and I would say not very much is going on, particularly in the areas of staff development, recruitment, and curriculum change. I can hit three or four different areas that I think are not just unique to South Burlington. Very little has been done in the State with respect to hiring people of color to teach in schools. And invariably if there is a hiring effort, it's to hire somebody to teach African American history as if that's all people of color can do. I think there's sort of an association there that's not a healthy one. A number of times I've heard that African Americans don't like to be in Vermont because it's too cold or there isn't a critical mass in the community. I think it's just our excuses for lack of commitment and effort on our part. I think we all need to see diverse faces in front of us. Our teachers and every student need that sort of thing. This an area that needs to be addressed in every district in the State.

DISCUSSION

MR. CHENEY: We've heard recommendations that there be either in-service training or requirements for recertification that there be training. Does the College of Education have anything to offer?

MR. SHIMAN: I think we have developed a variety of very good courses that deal with diversity. It's just how do we help our students who are generally students of relative privilege feel this. A workshop and a course doesn't do it. It must be woven into the fabric of their education. A diversity day in a high school is a nice thing, but it doesn't do anything unless it is accompanied by sustained staff development for faculty and woven into curriculum courses.

MR. CHENEY: What's your impression of the South Burlington curriculum?

MR. SHIMAN: I was chair of the Social Studies Review Committee. They are revising the whole social studies curriculum. I don't know what the new one's going to be like, but they have an elective course in black history. I have not in my analysis seen the experience of people of color woven into the curriculum.

MR. CHENEY: What about stereotypes of Native Americans or others?

MR. SHIMAN: I think there's been more of an effort to address some of that in curriculum. What's happened is that issues of racism and diversity in curriculum almost always get associated with social studies. That's a real copout for other people because they don't include it in their particular curriculum. The danger is only seeing it as a curriculum response, rather than recognizing that diversity concerns need to be woven into every aspect of the school experience.

Some research that I just read recently talks about addressing sexual and racial harassment in the kindergarten and 1st grade where the issue is more bullying than harassment. As bullying is the precursor to the harassment, we should start with antibullying lessons before the behavior issue becomes specifically race conscious.

MR. CHENEY: We heard testimony about a disciplinary scheme in which the school says if two kids are fighting, they'll both be suspended. What inevitably happens is the white kids pick serially on the black kid so he gets suspended five times and five of them get suspended once. Have you done anything in your teaching in the College of Education about discipline?

MR. SHIMAN: The methods and human development courses do address questions of discipline and strive to relate these to diversity concerns. This must be a sustained focus throughout an educator's professional life.

MR. TUCKER: Since even the worst schools that I've observed (not only in Vermont but in a lot of other places) don't have a curriculum on racism,—how do you see reaching a school community outside of the teachers?

MR. SHIMAN: I think that the boundary lines between school and community need to be blurred. We need to find effective ways to help people who didn't have a lot of success in school as students to feel more comfortable with school as parents. The people who have a bad school experience, often in the lower socioeconomic groups, often people of color, don't want to go back to a place that was a bad place for them. And somehow we need to bring all people into the conversation. There are some organizations in the Burlington area, such as REAP (Race Education Action Project) that are trying to build bridges. Last year some guidelines from the State Department of Education which came out included a set of competencies for beginning teachers, and in one of the drafts they had eliminated a statement that related to teachers' commitment to equity. However, the final copy does have a competency with respect to that. Every institution, particularly the school, needs to be actively against racism and sexism, not just promoting a tolerance and understanding of differences in a passive curricular sense.

MR. CHENEY: Since you know these people, does it surprise you that not a single superintendent or principal has volunteered to come before this Commission and talk about solutions to the problem?

MR. SHIMAN: Surprise me, yes. I know some people who I feel really care about this problem. So it disappoints me.

MS. ELMER: In South Burlington is there any coordination between what you called the diversity committee and school administrators regarding their analysis of antiharassment policies?

MR. SHIMAN: The diversity committee advised the superintendent. Our job was to help in getting a principle written into the strategic plan. We haven't met in 8 months. When we view diversity as a special item, a discrete concern, it never seems to rise up to high enough on the "action" list unless there is an incident. If we saw it as part of curriculum budget, personnel, or staff development, and all other aspects of school life, then it would be there all the time. "We can't do it now" or "You get to it when you can" is the mindset about the way you think about issues around diversity. Needless to say, I haven't been very satisfied with the South Burlington diversity effort.

DR. HAND: Can you provide a list of superintendents who might be willing to consult with the Advisory Committee?

MR. SHIMAN: That would be really hard. I think I could identify some teachers and principals who would be willing. In terms of superintendents, I would be hard pushed. I know some good, concerned people, but that doesn't mean anything much is going on in the districts. Burlington is well ahead in terms of developing a sustained diversity committee that tried to do things such as a needs assessment.

MS. SAUDEK: What can be done in preservice training to get a systemwide solution? Do you think work can be done in recertification of teachers that can address the issue?

MR. SHIMAN: In preservice, some are very hard to do at the University of Vermont due to geographical and demographic reasons. Student teachers need experiences working with diverse cultures and encounter people other than those they grew up with. We need to unpack the cultural baggage and critically examine how we explain away why people are poor or why people don't succeed. An effort should be made to develop challenging curriculum materials so that students look at things from different perspectives.

MS. SAUDEK: We heard a great deal of testimony from parents of children who were feeling extraordinarily overburdened and having to teach their children's schools how to respond to their kids' needs, and having to do it teacher by teacher, year by year, administrator by administrator to give them the information they needed in order to respond appropriately to their children's needs. It would seem to me that part of that burden should be borne by the teacher preparation institutions.

MR. SHIMAN: Yes. And I think it is. Efforts are made to ensure that when a student teacher picks books for kids to read in an elementary school, or makes decisions how to group kids for learning or selects curriculum themes, he or she will be thinking about diversity issues.

MR. TUCKER: I see large amounts of money in Vermont being spent going off to Beijing and Tokyo, etc. and yet they go past Chinatown and Harlem. It would seem to me that if you want to learn how to teach diverse populations, you would be sent to diverse populations in the United States rather than in Beijing. An incident occurring in a school in San Francisco or Harlem will have a greater impact to administrators completing recertification than an incident in Beijing.

MR. SHIMAN: I think we need both perspectives. In our teacher preparation program we don't send anybody overseas as part of their professional program. Most of this type of staff development work is done with present not future teachers. The China and Asian studies projects have not been for people pursuing licensure. These are valuable programs. I think it makes them more culturally sensitive teachers. They might not focus on what's going on within their own communities, but they engage themselves and their ethnocentrism when they go overseas. This will positively affect their teaching.

Heather Clark/Jay Simmons [34]

Adapting diversity programs used in other State agencies to the school setting, Vermont Department of Correction approach

In terms of diversity and training, the Department of Corrections seeks to become a better, more organized learning organization and make better connections with the community as part of our restorative justice initiatives and community policing. The department considers the educational system as part of our community.

In terms of the target audience, one of the differences I see between young students and corrections staff is their willingness to participate in trainings and programs. The most common phrase we hear in cultural awareness training is "Oh, we don't have diversity in the Department of Corrections and so we don't have a problem. So, why don't you go away because we've got other more important things to deal with." The biggest struggle for our department is getting people interested, getting them to come and listen and participate productively and respectfully in a topic that's value laden.

Some of our learning objectives around diversity training are about self-awareness. We started asking our staff, Where do you come from? How do you see yourself? What kinds of things are you proud of and what kinds of things are embarrassing? We're having more success doing that than we are lecturing them on how we define racism, or stereotyping what we think is prejudice. Not that we don't value that, but we needed to get dialogue going.

The project takes a middle to top down approach. It was based on our highly effective needs assessment that identified mostly anecdotal data. Our Agency of Human Services collects all of the information around grievances, complaints, hostile work environment grievances. Since oftentimes the incidents themselves are confidential, the information I get as a trainer is that we've identified a problem: Please put together a curriculum.

DISCUSSION

MR. CHENEY: Is your training to keep staff from chewing each other up or is it related to the inmates?

MS. CLARK: Both. Our informal needs assessment came from a couple of places. One is our changing offender population.

MR. SIMONS: My facility is approximately 10 percent minority. There was some talk about sending teachers to other countries to study culture. If you want to send teachers to a place to learn about a diverse population, send them to a correctional facility. To get our training from our central office level down to the officers on the blocks, we implement a training that isn't scary for people to go to. We get people to talk about themselves. That's extremely safe. When I talk about myself, what I want to do is find the components of their culture so that I become aware of why I do the things I do and the behaviors that other people see. Now when I see somebody different from me, I see myself as the average and the norm, and when I see myself as the average and the norm, then I'm what's right. Look at yourself objectively. When they do that, they don't see themselves as being right or different, they see how am I different from you. That's pretty safe; that's not as scary. We then train their peers in these techniques and modules, and their peers then go and maintain the trainings at those levels. We're addressing topics such as language that perpetuates stereotypes and how that can be dangerous. All of these areas we're training specific modules and then we recertify staff through a set of these modules that their peers deliver.

MS. CLARK: Some of the feedback that we get from our participants in these trainings is that the most effective learning moment for them has been exposure. The kinds of stories I hear is, "I grew up in Vermont and I haven't met this group of people and I learned the most having finally been exposed to this group of people or that group." Not only having this exposure but putting their foot in their mouth or doing something unintentionally inappropriate or hurtful and having the person or people they do that to be forgiving.

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[34] Clark and Simmons testimony, *Rutland Transcript*, pp. 165–80

In our training plan, we try to take away the risk, encourage respectful dialogue for the folks in the department, increase awareness, and take away the fear. It's not an easy task getting them interested and enthusiastic about this topic. They're afraid of words like diversity, affirmative action, difference in the workplace, EEOC, ADA.

One of the elements of the training plan is called the components of culture which is getting folks talking about how they see culture, what it's made up of. We start with the iceberg exercise: when you look at an iceberg, what do you see, you see the tip, you see the behaviors, and the clothes people wear, and the things people eat and who they hang around with and what don't you see? You don't see the attitudes and beliefs.

MR. TUCKER: So you think this is appropriate for school-aged children? How would you monitor it to see that it would work?

MS. CLARK: Well, it's not complicated. The key isn't the target audience; it is a confident facilitator who tracks where the conversation's going and how people are reacting.

MR. CHENEY: You can do a workshop, but how do you sustain it?

MS. CLARK: When I look at Corrections as a learning organization, my feeling is that how I measure success is very important to the organization and to me because really our large objective is that our staff are respectful of each other and respectful to offenders. The sustainability to me is recognizing we work in a place where there's potential violence and danger all the time, and to staying on top of the issues by encouraging improvement through constant exposure and coming up with a good evaluation plan.

You can draw parallels between what we've done within the Department of Corrections in terms of diversity training and the Department of Education. However, is one coordinator in Montpelier going to make a difference? Does it need to be staffing at each supervisory union level? Does it have to be at each school? Talk to us about how you think from your experience. How do we get it into the schools right down to the level where it's working with kids? It's the amount of dedication we have to talking to each other first and finding out what is it that these kids see as a problem. It was interesting to find out that a lot of people don't see a problem.

Tory Rhodin [35]

Counseling for adoptive families to promote positive racial identity, Subtle forms of racism

As a clinical social worker, I provide a range of counseling, training, consultation, and educational services to people helping adoptive families throughout Vermont. I also am the mother by adoption of a 2-year-old African American child. I can comment on experiences told to me by transracial adoptive families in Vermont. Compared to many other States around the country, there are a significant number of children placed transracially in Vermont (i.e., primarily children of various racial backgrounds adopted by white families). In the past a large number of Asian children, particularly from India and Korea, have been placed with families in Vermont. More recently a large number of African American children and Chinese girls have been placed primarily with white families.

My feeling, both as a parent and as a person who's been working professionally with adoptive families for a number of years, is that families need to be very proactive in creating a positive environment for their children and working in the larger world to help that happen. I think that adoptive families face a double challenge both of promoting positive racial identity development for their children as well as building a strong attachment to the family and to the larger community. My own experience, both as a parent and as a clinical social worker, is that the development of a positive racial identity in a child and the development of a strong attachment to the family work hand in hand because that's what will help the child feel known and connected to the family. I repeatedly stress to families that we need to begin thinking of ourselves as families of color who are parenting a child, not as white families that have a child from "a different racial background." Something needs to change in the racial identity of the family that will help a stronger identity develop in the child.

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[35] Rhodin testimony, *Rutland Transcript*, pp. 180–93.

Some adoptive families have experienced racial harassment in the schools. I've heard of that from one family. What I've heard of very frequently is what I believe is a more subtle racist experience in the Vermont school community where the child day after day does not see anything or anybody that reflects who the child is in terms of race and culture. A very stressful situation for a child who's been adopted by a white family is that the child is not seeing their identity reflected when they look at their parents and siblings. This experience of seeing themselves not reflected in a world they live in can be very demoralizing and emptying.

Certainly our children are exposed, as are all children of color in this country, to a fairly constant onslaught of negative media images of themselves and their culture. I've talked with families and experienced in my own family people who have what I consider to be a subtle kind of racism. Initially it is framed as being something very positive such as people commenting "how cute" your child is when they don't know you or your child and your child isn't any cuter than anybody else.

In addition to doing counseling and therapy, part of what I do involves training for adoptive families and staff working with them. I led an annual workshop called "Taking a Stand Against Racism" at the Vermont Adoption Conference which attracts several hundred adoptive parents. Our intention was to help prospective adoptive families explore their own racial and ethnic background and their experiences with racism and come to some understanding of what this experience has meant for parenting their child. Our intention was to help them both to be reflective about their own experience and understand that they were moving into a time when they need to take practical action against racism in the world.

My feeling is that schools need to be very proactive with regard to racial issues. I think that anybody involved with the school, including the parents, needs to think about whose history is being taught in the school, what images the child sees, and what are the stories that are interwoven into every aspect of the curriculum. To me, as a high school student 30 years ago, I think there was a lot more consciousness among white high school students about the fact that there were vast areas of history that we were not being taught in the United States history. My high school had a student initiated course on African American history which led me later to study that in college. As part of my own training, I was strongly encouraged to live and work in an African American community. I had the privilege of being able to study at the time when affirmative action was taken seriously and when it was seen as a necessary goal for every student and teacher that there be a genuinely diverse population. The background environment, including the population of the school and the administration, makes a huge difference in what you learn and what is considered important.

DISCUSSION

MR. CHENEY: We've heard a lot of testimony from adoptive mothers of multiracial children. It seems there's a cadre of skills being built up by parents to counteract racist experiences. This group may have a lot of news for the educational establishment. I wonder if you have developed strategies that you can pass on, not only to your adoptive parents, but to others who might want to use it?

MS. RHODIN: A lot of the work that we do is to link parents and families with other families who are like them in some way. There are several multicultural family groups around the State of Vermont. Some of them are primarily adoptive families, and some are a combination of families formed by marriage. We strongly encourage transracial adoptive families and people who are thinking about adopting a child of color, if they happen to be white, to become involved with the multicultural family groups so that both the children and the parents are spending a significant amount of their time with children and adults of color. But it's not only important for the child; it's at least as important for the adult, because it's the adult who's got the power in the family. A group of African American and Latino students at Dartmouth formed the Dartmouth Alliance for Children of Color which provides a range of activities and a big brother/big sister program and student-parent, faculty-parent conversations for adoptive families. That's been a very strong intervention for families.

MR. CHENEY: Some of the specific issues people speak of is that their kids are invisible. And they have adopted strategies to deal with that. Do you have specific intervention strategies that could be used in the schools?

MS. RHODIN: The best thoughts I have are for the family to be spending as much time as they can with families of color and multiracial families so that the child is regularly seeing children and adults like him or herself. It is also important that the child's and the family's friends, the church, the images that are available in the home or television, the history that's talked about in the home, are experiences that reflect the child's culture of origin. We help schools around general issues of adoption and encourage families to live where their child is not the only child of color and where it's possible not to have their child be in isolation at school. A number of the families also had the experience of the child feeling invisible and the child not having words for what they're experiencing. If the child is the only child of a particular race in the school and the parents aren't willing or able to move to a community where that won't need to be so, I think it's important that the rest of the child's life be more culturally diverse. Adults should work with the child to help him or her find words to describe what they're experiencing so at least it's not just an inner suffering that there aren't any words for.

Shay Totten [36]

Media coverage of racial harassment

The *Vermont Times* is an institution that tries to pride itself on being the truth seekers, the ones that go after to find the greater truth of things that affect our community on a regular basis. Many times we fall short of that goal. And we try our best for the most part to try and at least add perspective to any debate. But I think that if you asked any of my colleagues, I don't think anybody could say that they wanted to see the kind of strife and divisiveness that can occur when we talk about issues of racial discrimination and racial harassment, or any kind of harassment. I don't think there's anybody in the media that would say he or she enjoys covering these issues.

I've been covering issues surrounding racial discrimination and racial diversity for a number of years in this State. I think Vermonters do want to have the kind of community where everyone's accepted. But I've also witnessed first-hand the kind of basic misunderstanding and basic lack of understanding of who people are and what makes people tick, rather than focusing on what they look like, and that that is pervasive in Vermont. It's pervasive in our society, and it's something that the media in general can help try to shine a light on to some extent to show that this is a very difficult issue, but it is one that we need to discuss. And if the media's going to be a member of this community at large, it's going to be trying to shine some light on this and not just keep on reporting the same old problems again and again. Having covered stuff around this area for about 5 plus years, I've been to a number of community forums regarding race and you hear the same stories again and again being told to the same people, but for some reason neither the media nor community seems to hold people to the high standard that they should and ask the tough questions on why nothing is happening.

The important part that we all need to focus on is that as we talk about this, each individual situation merits its own airing. And I think we can't deny anyone a chance to do that, but we also need to look at the greater picture and find what's going to come out of all of this. Certainly there can never be enough dialogue in a community around this topic. I know the media can help that dialogue along; it can also hinder it too if we ourselves don't have the kind of steep learning curve that we need to have in discussing these issues.

Aundrie Robinson [37]

Establishing an appreciation of cultural diversity

I've been a resident of Brattleboro, Vermont, for 3½ years. I'm the director of the Round Table of

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[36] Totten testimony, *Rutland Transcript*, pp. 264–70.

[37] Robinson testimony, *Rutland Transcript*, pp. 231–40. This summary of her Nov. 5, 1997, presentation is based upon her request of Jan. 11, 1999.

Unity. The Round Table of Unity's mission is to create a model for building a healthy, diverse community united in commitment to change. It promotes harmonious relationships by working collaboratively with local businesses, nonprofit, and grassroots organizations offering educational, social, and cultural activities in an integrated environment. It also develops and encourages awareness of the positive aspects of diversity to increase understanding of our changing multicultural community through programs that promote conscious self-empowerment, mutual respect, empathy, and compassion for others.

In order to make a difference it's important for groups to work together. As far as reaching the community, it's important to establish culturally inclusive educational programs and learning environments that reflect all races, nationalities, and beliefs in a factual and realistic manner.

DISCUSSION

MR. TUCKER: Do you think the schools and certain agencies in Brattleboro are hand in hand when it comes to talking about racial issues if they talk about them at all?

MS. ROBINSON: I think that they are making an effort to work toward them.

Summary

Representatives from community organizations, the University of Vermont, and the Vermont Department of Corrections discussed the existence of racism and racial harassment in the State, teacher training issues, and prospective methods to increase diversity in the State's educational system. Mr. Rhodin, a clinical social worker, identified subtle forms of racism experienced by parents who have adopted transracially. Ms. Rutledge of the Vermont Equity Project noted significant omissions in school curriculum materials and proposed remedial corrective measures (for details, see appendix 7). Other panelists spoke of the need for a statewide proactive response to racism and racial harassment and a general acknowledgment by Vermont institutions that the population is becoming increasingly diverse. Panelists recommended that the State Department of Education mandate racial sensitivity training as a prerequisite for teacher certification and collaborate with community organizations and the University of Vermont to develop a statewide curriculum for prospective teachers.

Two panelists from the Vermont Department of Corrections described a diversity training program currently being administered to correction officers that could be tailored to public school teachers and students. The program's components include developing an understanding and appreciation for other cultures and identifying racial stereotypes.

Chapter 3

Overview of the Vermont Public School System and State Enforcement Agencies

Intended as an overview of the Vermont public school system and State enforcement of antiharassment laws, this chapter provides State demographic and school enrollment data and a description of three Vermont State agencies charged with monitoring civil rights. A description of the organizational structure of the school system is included in addition to a review of the respective jurisdictional boundaries of the commissioner of the Department of Education and school supervisory unions. This is followed by a brief overview of the State's Equal Educational Opportunity Act (Act 60) and ways it fails to address racial harassment issues. Lastly, the chapter reviews the Vermont Department of Education, Vermont Human Rights Commission, and the Vermont Attorney General's Criminal and Civil Rights Enforcement Units.[1] For each agency listed, the Committee describes the jurisdiction, staffing, and enforcement difficulties stemming from statutory or financial constraints.

Elementary and Secondary Public School Enrollment

According to the 1990 census, Vermont has a total minority population of 10,523, which represents 1.84 percent of the State's total population of 571,334 residents. Of Vermont's 14 counties, Chittenden, Franklin, and Washington Counties account for the largest percentage of minorities in the State. Chittenden, the State's most populous county, has the highest number of African American, Asian American, and Hispanic residents (see table 3.1).

In 1996 Vermont had an estimated population of 588,654, an increase of 4.6 percent from the April 1990 census count of 562,758.[2] Vermont's total population is projected to increase to 617,000 in the year 2000 and 678,000 in 2005.[3] The U.S. Census Bureau estimates that between 1995 and 2005, Vermont will experience one of the largest increases in minority population in the country.[4]

Over the past 20 years, Vermont has seen an increase in public school enrollment. As shown in table 3.2, in fiscal year 1996, there were 2,905 minority students in Vermont's elementary and secondary schools (1,025 Asian Americans, 837 African Americans, 621 Native Americans, and 422 Hispanics).[5] Between 1993 and 1997, the number of Asian American students grew by 9.7 percent per year followed closely by Hispanic enrollments with a rate of 9.2 percent, and 8.5 percent for African Americans.[6] One reason for

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[1] Agency descriptions, their functions, and enforcement methods were gathered at the community forums from testimony by officials from the Vermont State Department of Education and Vermont Human Rights Commission. Information was also provided by Katherine A. Hayes, Assistant Attorney General for Civil Rights, Vermont Attorney General's Office, and Max Schlueter, Vermont Department of Public Safety, Criminal Information Center in written correspondence and telephone interviews with Eastern Regional Office staff.

[2] Vermont Department of Health, Agency of Human Services, "Population and Housing Estimates 1996," p.1, November 1997.

[3] *See* U.S. Department of Commerce, Bureau of the Census, *Vermont's Population Projections: 1995 to 2025*.

[4] Hispanic growth rate ranks 2nd largest, followed by Asian/Pacific Islander at 14%, American Indian/Eskimo/Aleut (18th largest), and African Americans ranking 66th largest. *See* U.S. Census Bureau, *Vermont's Population Projections: 1995 to 2025*, p. 5. The statistics referenced are for non-Hispanic African Americans, American Indian/Eskimo/Aleut, and Asian Pacific Islanders.

[5] Vermont Department of Education, "Vermont Public Education Enrollment Report: Executive Summary 1995–1996," p. ii, May 6, 1996.

[6] Ibid. Vermont experienced a decrease in the number of minority students between fiscal years 1996 and 1997. The Vermont Department of Education attributes this decrease to the reporting of students of mixed ethnic backgrounds as "other," a category not included in fiscal year 1997. In 1995 students in this category represented 5% of the total ethnic population, and 14% in 1996. The department attributes this

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Table 3.1

Population Characteristics by County (1990 Census)

County	White	Black	Amer. Ind./ Eskimo/ Aleut	Asian/ Pacific Islander	Hispanic	Total minority population	% minority
Addison	32,506	133	77	193	208	611	1.879%
Bennington	35,464	116	54	184	220	574	1.618%
Caledonia	27,607	54	100	70	90	314	1.137%
Chittenden	128,897	819	294	1,466	1,179	3,758	2.915%
Essex	6,356	13	18	11	30	72	1.132%
Franklin	39,201	58	585	99	136	878	2.239%
Grand Isle	5,268	15	23	11	20	69	1.309%
Lamoille	19,557	27	48	71	89	235	1.201%
Orange	25,935	46	67	71	103	287	1.106%
Orleans	23,873	49	56	50	92	247	1.034%
Rutland	61,639	152	70	214	273	709	1.150%
Washington	54,334	177	106	236	663	1,182	2.175%
Windham	41,012	157	74	259	303	793	1.933%
Windsor	53,439	135	124	280	255	794	1.485%
Total	*555,088*	*1,951*	*1,696*	*3,215*	*3,661*	*10,523*	*1.841%*

Source U.S. Department of Commerce, Bureau of the Census, Area and Population, County and City Data Book, Washington, DC. U.S. Government Printing Office, 1994, pp. 578–9.

Table 3.2

Vermont Elementary and Secondary Public Schools Ethnic Enrollment, 1985–1997

Year	White	Black	Native Amer./ Alask.	Asian/ Pacific Isl.	Hispanic	Other	Total students	% of white students	Total number and % of minority students
85–86	89.047	334	246	422	108	NA	90,157	98.77%	1,110 (1.23%)
86–87	NA	NA	NA	NA	NA	NA	91,720	NA	NA
87–88	91.250	428	441	473	163	NA	92,755	98.38%	1,505 (1.62%)
88–89	91.867	398	458	466	192	NA	93,381	98.38%	1,514 (1.62%)
89–90	93.069	461	483	520	246	NA	94,779	98.20%	1,710 (1.80%)
90–91	93.881	464	552	608	257	NA	95,762	98.04%	1,881 (1.96%)
91–92	95,057	544	590	676	257	NA	97,124	97.87%	2,067 (2.13%)
92–93	96,336	605	612	708	297	NA	98,558	97.75%	2,222 (2.25%)
93–94*	100,184	724	634	889	324	NA	102,755	97.50%	2,571 (2.50%)
94–95*	101,796	735	544	961	350	147	104,533	97.38%	2,737 (2.62%)
95–96*	102,271	784	634	1,015	390	471	105,565	96.88%	3,294 (3.12%)
96–97*	103,436	837	621	1,025	422	NA	106,341	97.27%	2,905 (2.73%)

Source Vermont Department of Education School Finance Operations, Vermont Elementary and Secondary Public Schools Enrollment Report, Feb. 26, 1997

* *Includes 5 independent high schools acting as public schools for years 1993–1996.*

the dramatic increase in the number of minority students is the large numbers of nonminority parents who adopt children from other races each year.[7]

Jurisdictional Boundaries — Overview of the Vermont Public School System

Like many other States in the Nation, administration and oversight of Vermont's approximately 328 public elementary and secondary schools is divided among several State and local entities. By virtue of Vermont's State and local government structure, three major entities oversee some aspects of school administration: the Vermont State Board of Education, area supervisory union boards, and superintendents of individual supervisory unions.

The State Board of Education, consisting of seven board members appointed by the Governor, has general supervision of all educational entities in the State and regulates the qualifications, licensing, and certification of teachers. The board oversees the Vermont Department of Education, which administers the policies of the State board and State law relating to schools and distributes funds received by the State board from the legislature. The commissioner of the Department of Education identifies the educational goals of the public schools and executes policies of the State Board of Education.[8] In addition, the commissioner accepts, distributes, and accounts for Federal funds for elementary and secondary education received by the State board.[9]

Supervisory unions are approved by the State Board of Education and serve as the administrative, planning, and educational units for school districts in their respective areas.[10] Supervisory unions set curriculum plans, identify educational goals and objectives for each school district in the union, and establish written policies on teacher professional development.[11] The State's 60 supervisory unions manage over 300 school districts.[12] Each supervisory union may hire a person or persons to serve as superintendent of the supervisory union. Superintendents have statutory responsibility in areas of policy administration, educational goal setting, and personnel matters.[13]

Vermont Equal Educational Opportunity Act of 1997

The enactment of the Equal Educational Opportunity Act,[14] commonly known as Act 60, constituted a significant change in how the State and its school districts raise funds for education. As debate concerning the act's major provisions continues,[15] the Advisory Committee offers a brief description of its salient portions, while noting the absence of specific provisions relating to the prevention or elimination of racial harassment incidents.[16]

Before 1997, Vermont public schools were generally funded by two means: funds raised by property tax assessments by cities and towns, and funds distributed by the State Board of Education using an aid formula known as the Foundation Plan.[17] Since the State supported ap-

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jump to the possible errors in classifying students in particular ethnic groups. Ibid.

[7] Dianne Dexter, state adoption coordinator, Vermont Department of Social and Rehabilitation Services, testimony before the Vermont Advisory Committee to the U.S. Commission on Civil Rights, community forum, Nov. 4, 1997 (hereafter cited as *Burlington Transcript*), p. 118. *See also* Tory Rhodin, clinical social worker, Casey Family Services, Post-Adoption Program, *Rutland Transcript*, p. 181.

[8] VT. STAT. ANN. tit. 16, § 212 (1997).

[9] Ibid.

[10] Ibid. § 11.

[11] Ibid. § 261(a).

[12] Most, but not all of the State's 251 towns constitute a school district. William Reedy, legal counsel, Vermont Department of Education, telephone interview, Oct. 9, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[13] VT. STAT. ANN. tit. 16, § 563 (1997). *See also* Dr. Marc Hull, commissioner, and John Nelson, project manager, Vermont Department of Education, "Draft Working Paper on Public School Governance," July 1998.

[14] VT. STAT. ANN. tit. 16, § 165 (1997).

[15] *See* Nancy Remsen, "Now for the Good News," *Burlington Free Press*, Nov. 5, 1997, and Carol Innerst, "Court Battles Over School Choice Loom in Wisconsin and Vermont, *The Washington Times*, Mar. 4, 1998.

[16] *See* Vermont School Boards Association and the Vermont Superintendents Association, "Act 60 Handbook: Implementing Vermont's Equal Educational Opportunity Act," (October 1997) for a description of specific educational funding components or formulas.

[17] Brigham v. State, 692 A.2d 384, 387–88 (1997). Under the Foundation Plan, a formula is generated each year by the legislature by which the State measures per pupil spending and funding to individual school districts. *Id.* Note also that Vermont public schools receive Federal and State and other sources of finances. William Reedy, legal counsel, Vermont

proximately 32 percent of public school expenditures, with the remainder generated by individual towns and regions, this system created stark contrasts in the levels of educational funding between rich and poor towns or regions.[18] As a result, many in the State, particularly property owners from tax-poor school districts, felt that the State's school financing scheme rendered some poorer, less-populated school districts unable to raise sufficient funds to provide educational services equal to those afforded students in wealthier school districts.[19]

In February 1997, the Vermont Supreme Court ruled in *Brigham v. State* that the State has a responsibility to provide all students substantially equal access to similar education revenues regardless of the student's place of residence.[20] The ruling caused the legislature to embark on a 6-month endeavor to address inequitable school finance distribution among school districts resulting in passage of Act 60 in June 1997. Although the State covered only 26.9 percent of the general school expenses, the legislature sought to implement a measure to ensure that all schools would receive State aid through a variety of funding mechanisms.[21] These funds are contingent on schools meeting basic quality and student performance standards and participating in the State's comprehensive assessment program.[22] With the help of parents, teachers, and community members, schools are required to develop a comprehensive action plan to improve student performance and must establish a "needs-based" professional development program. Schools must annually report to their respective school boards the number of teacher and support staff, student performance rates, and provide an overall assessment of the health and "social well-being"[23] of children in the district.[24]

In order to ensure that these quality standards are met, the Commissioner of Education is required to conduct assessments of each Vermont school to determine if educational opportunities are substantially equal to those provided in other schools. The commissioner is empowered to take immediate steps if schools fail to meet these standards. The commissioner, for example, may adjust supervisory union boundaries or responsibilities, assume administrative control, or close the school.

Although Act 60 requires school districts to report school performance data and the social well-being of all students, the law does not mandate reporting of efforts to ensure bias and harassment-free learning environments. Therefore, individual school districts are not required to undertake assessments of racial harassment incidents and/or racial tensions within schools, or to improve teacher skills in teaching tolerance and sensitivity to minority concerns[25] (see chapter 4, conclusion 7).

Vermont State Agencies and Their Role in Investigating Racial Harassment Incidents Against Students

This section contains a simplified summary of three State agencies: the Vermont Department of Education, Vermont Human Rights Commission, and the Civil Rights Unit of the Office of the Attorney General. Their roles in investigating racial harassment incidents against students and their jurisdiction, staffing, and civil rights enforcement difficulties are described below.

State school districts receiving Federal funds must provide equal educational opportunity to students in nonhostile learning environments.

Department of Education, telephone interview, Oct. 9, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[18] Vermont School Boards Association and the Vermont Superintendents Association, "Act 60 Handbook: Implementing Vermont's Equal Educational Opportunity Act," (October 1997). As an example of the stark level of funding, consider that in fiscal year 1995 the town of Richford's average expenditure per student was $3,743, which was calculated on its property tax base of approximately $140,000. In contrast, the town of Peru spent almost twice the amount per student ($6,476) based on its tax base of $2.2 million. Brigham v. State, 692 A.2d 384, 389 (1997).

[19] *Id.*

[20] *Id.* at 397. *See also* Vermont School Boards Association and the Vermont Superintendents Association, "Act 60 Handbook: Implementing Vermont's Equal Educational Opportunity Act," (October 1997), p.4.

[21] These include grants, property tax disbursements, and local education tax allotments. Ibid.

[22] Ibid.

[23] Since this phrase is used without definition in the statute, it is not clear whether "social well-being" includes harassment-free learning environments. *See* VT. STAT. ANN. tit. 16, § 165 (1997).

[24] Ibid.

[25] *See* ibid.

This responsibility includes protection of all students from discriminatory conduct or actions likely to constitute harassment. To meet this objective, two State agencies, the Vermont Department of Education and Vermont Human Rights Commission, are charged with investigating racial harassment incidents among students in Vermont's public schools. The Vermont Department of Education derives its authority to investigate incidents of racial harassment from its general mandate to ensure compliance with all laws relating to public schools. Pursuant to Vermont's public accommodation statute, the Human Rights Commission has been given sole jurisdiction over racial discrimination complaints against schools.[26]

Although the Civil Rights Unit (CRU) of the Office of the Vermont Attorney General does not handle harassment complaints occurring in the schools, its efforts (along with States' attorneys for individual counties) to coordinate with other State agencies are noted here.

Vermont Department of Education

Although the Vermont Department of Education retains general jurisdiction over schools, day-to-day operations are left in the hands of local school districts and supervisory union boards. As such, the department routinely refers harassment cases to the Human Rights Commission for investigation and may at times facilitate resolution of the cases. As of May 1997, the Department of Education initiated 10–15 investigations of sexual/racial harassment incidents.[27]

Department representatives identified various factors that make it difficult for the department and schools to effectively investigate and counter acts of discrimination. These factors include (1) staffing shortages, (2) limitations of the Anti-Harassment in Education law,[28] and (3) teachers' and administrators' lack of experience and skills in dealing with racial harassment.

1. *Staffing Shortages*. The department does not have staff assigned exclusively to investigate and respond to racial harassment incidents.[29] Currently, two attorneys on a part-time basis respond to reported incidents of harassment while performing their other duties at the department.[30] The department was seeking to establish an investigator position for fiscal year 1998. However, even if this request were granted, only one investigator would be employed who could only devote part of his or her work time to addressing racial harassment issues.[31]

2. *Limitations of the State Anti-Harassment in Education Law*. Additional limitations on the department's ability to enforce State law arise from the absence of specific provisions in the State Anti-Harassment in Education law. Pursuant to the act, each school district is required to implement and adopt antiharassment policies and procedures. However, the statute neither requires individual school districts to submit harassment policies or procedures for review by State officials, nor offers penalty provisions for failure to adopt or implement antiharassment policies. Given the jurisdictional boundaries previously described, the Vermont Department of Education has only general authority over supervisory unions and does not have direct authority over the maintenance of the harassment policy within schools. This makes it highly difficult for the department to monitor individual school districts for their compliance with the Anti-Harassment in Education law. As of April 1998, the department had not

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[26] VT STAT ANN tit 9, §§ 4501, 4552(b) (1997). Under the statute, discrimination in schools, restaurants, stores, or other facilities that provide services, facilities, goods, privileges, advantages, benefits, or accommodations to the general public is prohibited. Ibid. *See also* Katherine A. Hayes, Assistant Attorney General for Civil Rights, Vermont Attorney General's Office, telephone interview, Mar. 23, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[27] Karen L. Richards, legal counsel, Vermont Department of Education, statement presented to the Vermont Advisory Committee to the U.S. Commission on Civil Rights, May 13, 1997. A copy of the meeting notes is on file at the Commission's Eastern Regional Office.

[28] VT. STAT. ANN. tit. 16, § 565 (1997).

[29] Paul Fassler, legal counsel, Vermont Department of Education, *Burlington Transcript*, p. 85.

[30] Before the passage of the State law 565, the department requested a budget that would have allocated funds for additional investigative staff and/or money for mandatory training programs for school districts. However, that provision was removed during appropriation. Fassler testimony, *Burlington Transcript*, pp. 86–87.

[31] Fassler and Richards testimony, *Burlington Transcript*, p. 85.

compiled a list of school boards that had adopted the State model policy on harassment. Should a school district fail to implement a model policy or procedures that do not adequately address harassment issues, the State Board of Education and Commissioner of the Department of Education could intervene. However, this is unlikely given the fact that some administrators may report only to their respective school districts or supervisory union boards.

3. *Lack of Experience and Skills in Dealing with Racial Harassment.* Additional difficulties encountered by the department include (1) administrators' and teachers' lack of basic knowledge and experience in dealing with other cultures and people of other races, (2) reluctance by minority students and parents to report cases to the department for investigation, (3) a level of ignorance and fear on the part of administrators and teachers surrounding issues of racism, and (4) department staff's lack of skills necessary to assist school districts regarding what steps schools can take to teach greater tolerance.[32]

To remedy some of these difficulties, Department of Education representatives identified potential solutions that could assist in eliminating incidents of discrimination and reduce the number of cases for the department to investigate. These include (1) providing information and training to administrators, teachers, and staff that offer a basic understanding of cultural differences and the needs of minority students and the problems they face, (2) conducting parent community forums in the schools to promote interaction with faculty and students, (3) creating a school culture that fosters zero tolerance for harassment in the school or on school grounds, (4) issuing a statewide mandate for the maintenance of a bias-free curriculum that is evaluated by the department in its standards review process, and (5) establishing mandatory annual training in all Vermont schools that addresses cultural differences and school antiharassment policies.[33] Department representatives suggested that school administrators would be more receptive to implementing training if it were required by the State Board of Education and enough funds were allocated to achieve the goals of the training.[34]

Vermont Human Rights Commission

Investigation and Processing of Civil Rights Complaints

In 1986 the Advisory Committee held a public hearing to review the State's civil rights statutes, agencies, and methods of enforcement.[35] Participants at the hearing cited a range of civil rights difficulties that have persisted in the State for some time.[36] After the Committee presented its findings before key legislators, public awareness of the State's continued problems with racism sparked an effort to revitalize the Vermont Human Rights Commission. In 1987 the Vermont legislature established a new Human Rights Commission, which was authorized to strengthen public education for the importance of civil rights and to "examine and evaluate the existence of discrimination in the State."[37]

Currently, the commission consists of five commissioners appointed by the Governor and has jurisdiction over discrimination in housing, public accommodations, workers' compensation, and State employment. The commission is authorized to employ an executive director, one compliance officer, one investigator, and one secretary. Currently, the commission employs an executive director, two investigators, and one part-time secretary.[38] To carry out its mission, the commission may file lawsuits asking a court to enforce conciliation agreements and prohibitions against discrimination, issue temporary or permanent injunctive relief, impose civil and punitive penalties, or remit attorney fees.[39]

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[32] Fassler testimony, *Burlington Transcript*, pp 83–84, Richards testimony, *Burlington Transcript*, p. 81.

[33] Richards testimony, *Burlington Transcript*, pp 71–88 (in general). *See also* p. 74, 80.

[34] Ibid. p. 80–81.

[35] Participants at the hearing included former Governor Madeline Kunin; State Supreme Court Chief Justice Frederick Allen; former State Representative Judy Stephany; and the executive director of the Connecticut Commission on Human Rights, Arthur Green. *See* Vermont Advisory Committee to the U.S. Commission on Civil Rights, *Civil Rights Enforcement in Vermont, A Summary Report*, 1987.

[36] Ibid. *See also* R.T. Cassidy, "Civil and Human Rights in Vermont," in *Vermont State Government Since 1965*, ed., Michael Sherwood (Burlington, VT: Snelling Center for Government, University of Vermont, forthcoming,1988). Cassidy discusses a range of civil rights problems that have plagued the State, including racial discrimination in public accommodations.

[37] VT. STAT. ANN. tit. 9, § 4552 (1997). *See also* R.T. Cassidy, "Civil and Human Rights in Vermont," in *Vermont State Government Since 1965*, ed., Michael Sherwood (Burlington, VT: Snelling Center for Government, University of Vermont, forthcoming,1988). According to Cassidy, in 1987 the Vermont legislature adopted statutes relating to anti-discrimination in public accommodations and fair housing.

Under Vermont statute, all persons who believe they have been subjected to unlawful discrimination may file a complaint with the commission.[40] The commission receives a majority of the claims of school-based discrimination through calls to the Montpelier office and referrals from the Vermont Department of Education and school staff.[41]

If the particular grievance falls within its jurisdiction, the commission accepts the charge and begins an investigation. The major steps in the complaint investigation and resolution process are schematically highlighted in figure 3.1. The investigation process includes interviews with the parties and witnesses involved and collection of supporting documentation. After completing the investigation, the investigator writes an investigative report that details the contentions of the parties and relates facts and evidence to applicable law. Before the commissioners reach a final determination in a case, the parties are given the opportunity to comment on the staff's recommended finding in the investigative report and to appear before the commissioners when they review the case presentations.[42] If the commission finds reasonable grounds to support a charge of unlawful discrimination, the parties in the case are granted the opportunity to comment on the written report and may appear before the commission when the case is heard.[43] At the case presentations, the parties may explain their positions before the commissioners determine whether there are reasonable grounds to believe that discrimination occurred in the case.[44]

Throughout this process, the commission attempts to facilitate settlement between the parties. If a settlement cannot be reached, the commission has the authority to seek a court injunction, compensatory and punitive damages, or fines of up to $10,000 per violation and attorney's fees.[45] The majority of incidents of harassment are settled by an agreement, which in many instances includes monetary payments to the parents of harassed students. Recently, the Vermont legislature appropriated funds for the commission to utilize a mediation program that the parties can use at no cost.[46]

Incidents of Racial Harassment Reported to the Vermont Human Rights Commission

The commission tracks the number of charges accepted for investigation based on the alleged basis of discrimination. During fiscal years 1994–1996, the commission accepted 472 charges for investigation, 72 (or 15 percent) of those were allegations of discrimination against public school students.[47] Of those 72, 17 were claims of discrimination on the basis of race.[48] Given the small numbers of minority students in Vermont, commission officials estimated that race-based discrimination charges represent a disproportionately large number of discrimination complaints filed with the commission.[49] The

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[38] Harvey Golubock, executive director, Vermont Human Rights Commission, *Burlington Transcript*, p. 47.

[39] VT. STAT. ANN. tit. 9, § 4553 (a)(6)(A–F) (1997).

[40] *Id.* § 4554.

[41] Golubock testimony, *Burlington Transcript*, p. 48.

[42] Harvey Golubock, executive director, Vermont Human Rights Commission, letter of Oct. 15, 1998, to Marc Pentino, Eastern Regional Office. A copy of the letter is on file at the Commission's Eastern Regional Office.

[43] VT. STAT. ANN. tit. 9, § 4554 (c) (1997).

[44] Harvey Golubock, executive director, Vermont Human Rights Commission, letter of Oct. 15, 1998, to Marc Pentino, Eastern Regional Office. A copy of the letter is on file at the Commission's Eastern Regional Office.

[45] Vt. STAT. ANN. tit. 9, § 4553(a)(6)(A–D) (1997).

[46] Ibid.

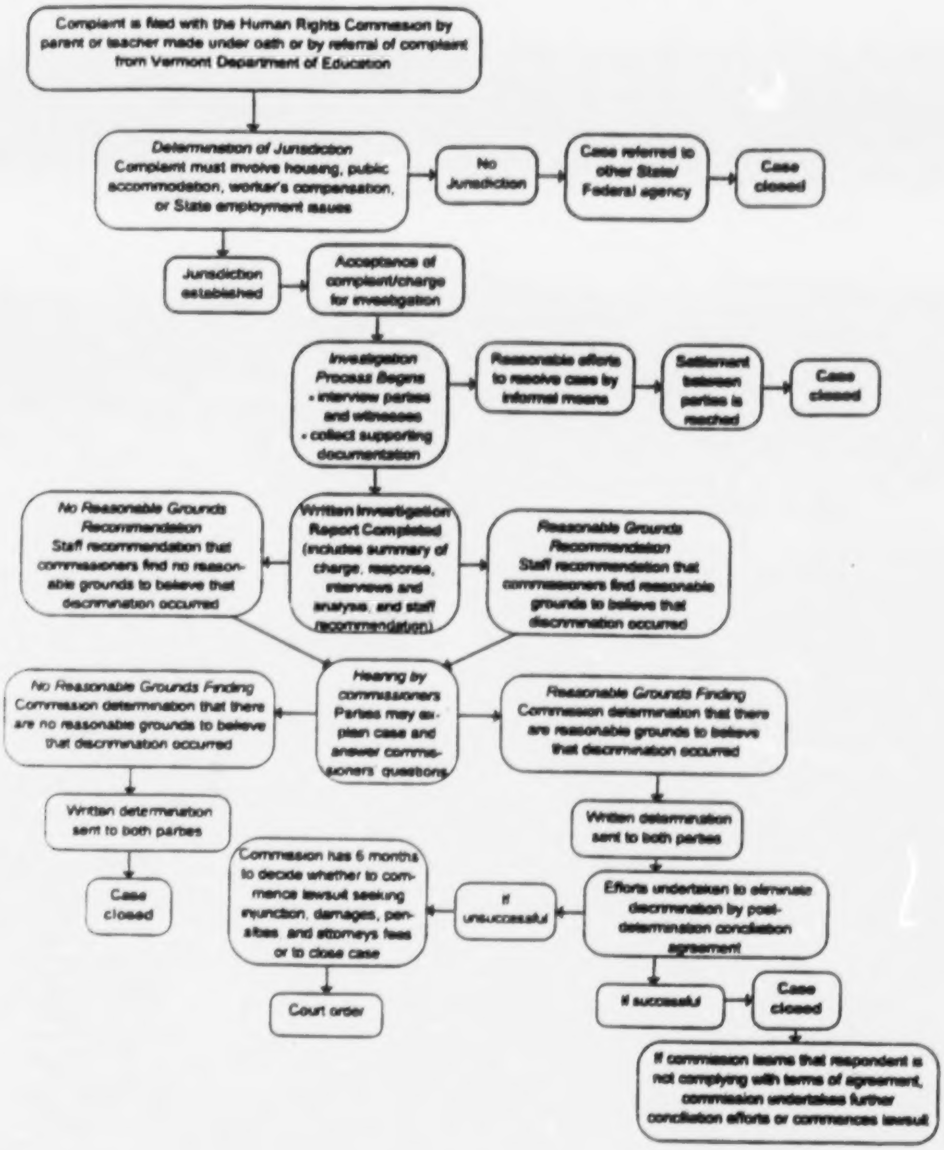
[47] Golubock testimony, *Burlington Transcript*, p. 50.

[48] Ibid.

[49] Other categories of discrimination reported to the Commission during this period include sexual harassment (31%), harassment based on disability (21%), and harassment based on sexual orientation (10%). Michael Powers, investigator, Vermont Human Rights Commission, statements made to the Committee at its May 13, 1997, planning meeting. A copy of the minutes to this meeting is on file at the Commission's Eastern Regional Office. *See also* Golubock testimony, *Burlington Transcript*, pp. 51–52 and Golubock letter of Oct. 15, 1998, to Marc Pentino, Eastern Regional Office. A copy of the letter is on file at the Commission's Eastern Regional Office.

Figure 3.1

Vermont Human Rights Commission Complaint Initiation and Resolution Process


Complaint is filed with the Human Rights Commission by parent or teacher made under oath or by referral of complaint from Vermont Department of Education
Determination of Jurisdiction
Complaint must involve housing, public accommodation, worker's compensation, or State employment issues
No Jurisdiction
Case referred to other State/ Federal agency
Case closed
Jurisdiction established
Acceptance of complaint/charge for investigation
Investigation Process Begins
• interview parties and witnesses
• collect supporting documentation
Reasonable efforts to resolve case by informal means
Settlement between parties is reached
Case closed
No Reasonable Grounds Recommendation
Staff recommendation that commissioners find no reasonable grounds to believe that discrimination occurred
Written Investigation Report Completed (includes summary of charge, response, interviews and analysis, and staff recommendation)
Reasonable Grounds Recommendation
Staff recommendation that commissioners find reasonable grounds to believe that discrimination occurred
Hearing by commissioners
Parties may explain case and answer commissioners' questions
No Reasonable Grounds Finding
Commission determination that there are no reasonable grounds to believe that discrimination occurred
Reasonable Grounds Finding
Commission determination that there are reasonable grounds to believe that discrimination occurred
Written determination sent to both parties
Case closed
Written determination sent to both parties
Commission has 6 months to decide whether to commence lawsuit seeking injunction, damages, penalties, and attorneys fees or to close case
If unsuccessful
Efforts undertaken to eliminate discrimination by post-determination conciliation agreement
Court order
If successful
Case closed
If commission learns that respondent is not complying with terms of agreement, commission undertakes further conciliation efforts or commences lawsuit

This table was constructed using information found in VT. STAT. ANN. Tit.9, 4551–4 (1997). Some details were provided by Harvey Golubock, executive director, Vermont Human Rights Commission in letter of Oct. 15, 1998, to Marc Pentino, Eastern Regional Office.

majority of harassment cases involved racial harassment by other students rather than by school employees.[50] In those cases, the commission assesses whether the schools take prompt and appropriate action to prevent and ameliorate the situation.[51]

Investigative and Enforcement Difficulties

Commission officials noted that the small staff of investigators hinders their ability to quickly investigate harassment cases and monitor the success of settlement agreements.[52] The average time for commission investigators to issue a report of their investigation is 9 months following the receipt of the initial complaint.[53] The following case study illustrates the length of time one parent experienced when she filed a charge of discrimination involving schools.[54]

Thus a complaint filed at the beginning of the school year may not receive resolution until the following school year. When delays in processing such as this occur, there is a great potential for devastating effects upon a child's educational and emotional development. As each day passes in which a student experiences racial harassment that is not timely investigated and resolved, there is greater risk for long-term effects upon the student's self-esteem, socialization, and school performance.

Case Study[55]

> In the summer of 1996, the parent of a multiracial, disabled child moved into a new school district. In a January 1997 complaint to the Human Rights Commission, the parent alleged that although school district officials initially offered her a choice of two schools, upon learning that the student was multiracial and had a learning disability, it withdrew the offer. Classified as a "charge of public accommodation discrimination," the Human Rights Commission accepted the charge for investigation in February 1997.
>
> In early March 1997, the school district submitted its response to the charge to the commission at which time the allegations were investigated. At various times throughout 1997, the parent contacted commission staff to inquire as to the status of her case, only to be told the case was still pending and to call back in the following month. In April 1998 (15 months after the initial filing of the complaint), the commission held a hearing to resolve the matter. In May 1998, the commission found no reasonable grounds to believe that the school district discriminated against the child on the basis of race or disability.[56]

During and after its investigations, the Human Rights Commission attempts to assist schools and parents who allege that their children have been harassed enter into settlement agreements with particular schools.[57] If the parties reach an agreement the commission finds fair and appropriate, the commission will generally accept the agreement and take no further action on the case except to enforce the terms of the agreement.[58] In many cases, commission staff rely on parents to inform them of continuing problems with the school and compliance with settlement agreements.[59] Although the commission maintains contact with parents who have reached settlement agreements or obtained monetary awards, it has little ability to track the success of these agreements, monitor reoccurring problems, or seek additional remedial actions if necessary. In addition, the commission does not enter into agreements or seek remedial efforts with the parents of the children who were perpetrators of the discrimination.[60] The commission is also unable to regularly monitor efforts that schools take to ensure nondiscrimination or work with schools experiencing high numbers of racial harassment incidents. The current situation is especially troublesome, given the commission staff's observation that some school administrators view Vermont's antiharassment statute as an unnecessary regulatory burden not requiring action by the school district.[61] An administrator's failure to act will compound the time needed to reach a resolution and will contribute to the investigative and enforcement difficulties inherent in the process. The Advisory Committee is concerned that this will cause serious educational and emotional damage to students who must confront harassment on a daily basis. These concerns are addressed in chapter 4, conclusion 8.

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[50] Golubock testimony, *Burlington Transcript*, p. 52.

[51] Ibid.

[52] Ibid., pp. 60-61. *See also* Michael Powers, investigator, Vermont Human Rights Commission, statements made to the Committee at its May 13, 1997 planning meeting. A copy of the minutes to this meeting is on file at the Commission's Eastern Regional Office.

[53] Harvey Golubock, executive director, Vermont Human Rights Commission, telephone interview, Mar. 13, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[54] This case study is constructed based on transcript entries and materials furnished by the parent, such as the original complaint, response by the school district, and the Human Rights Commission investigative report. Telephone interviews conducted between November 1997 and July 1998 were also used. These materials are on file at the Commission's Eastern Regional Office. At the request of the parent, the child and parent's names are omitted.

[55] In reviewing this section, executive director of the Vermont Human Rights Commission stated "This gives the inaccurate impression that when the mother called about the case, the Commission's staff would not discuss it with her and told her to call back. The investigator told me that she always spoke with the mother when the mother called or returned the mother's telephone calls and that she explained the status of the investigation and its progress since the mother's last call. The investigator stated that she told the mother that she was working on a number of investigative reports and that she would complete the mother's as soon as she could. The investigator also stated that she told the mother the date she anticipated finishing the report as soon as she knew it." Harvey Golubock, executive director, Vermont Human Rights Commission, letter of Oct. 15, 1998, to Marc Pentino, Eastern Regional Office. A copy of the letter is on file at the Commission's Eastern Regional Office.

[56] Ibid.

[57] Ibid.

State's Attorneys for Individual Counties and the Civil Rights Unit of the Office of the Attorney General

The Vermont Attorney General and State's attorneys for individual counties have jurisdiction over racial assaults and are authorized to pursue criminal prosecution for these acts in the interest of the State. While the State attorney general retains general supervision of criminal prosecution, each State's attorney has broad discretion to prosecute offenses occurring within his or her individual county.[62] In addition to the State's prohibitions against discrimination in commercial transactions,[63] employment,[64] sale and rental of real estate,[65] and public accommodations,[66] Vermont has established criminal sanctions for discriminatory conduct that is racially motivated.[67]

Within the Attorney General's Public Protection Division, a Civil Rights Unit (CRU) has been assigned solely to investigate civil rights complaints. However, the CRU primarily investigates employment discrimination matters that it either litigates or refers to the U.S. Equal Employment Opportunity Commission.[68] The CRU currently consists of one attorney and two investigators. Although the office is able to process all incoming complaints through preliminary telephone inquiries and case referral letters, the office cannot conduct full indepth investigations given its current staffing level.[69] In the event acts of school-based racial harassment occur and are referred to the CRU, the case is immediately forwarded to the Vermont Human Rights Commission (HRC) for investigation.[70] CRU staff estimated that approximately one to two cases per week are referred to the HRC by their office.[71] In comparison, the HRC forwards few cases to the CRU for investigation.[72] HRC and the CRU representatives jointly coordinate so that matters are referred to the State agency with the proper jurisdiction. The CRU has established a civil rights protection committee that is working to revise existing State law to permit the attorney general to pursue injunctive relief, compensatory damages, and other relief in hate crime cases.[73] The committee has drafted legislation that will be introduced in the January 1999 session of the Vermont legislature.[74]

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[58] Ibid.

[59] Golubock testimony, *Burlington Transcript*, pp.60–62.

[60] Ibid., p.59

[61] Michael Powers, investigator, Vermont Human Rights Commission, statements made to the Committee at its May 13, 1997, planning meeting. A copy of the minutes to this meeting is on file at the Commission's Eastern Regional Office.

[62] VT. STAT. ANN. tit. 24, § 361(a) (1997). *See also* VT. STAT. ANN. tit. 3, § 153 (1997) and State's Attorney v. Attorney General, 409 A.2d 599 (1979).

[63] VT. STAT. ANN. tit. 8, § 1211 (1997).

[64] VT. STAT. ANN. tit. 13, § 495(a)(1) (1997).

[65] VT. STAT. ANN. tit. 9, § 4503 (1997).

[66] *Id.* § 4502.

[67] VT. STAT. ANN. tit. 13, § 1455 (1997). *See also id.* § 1456. In addition, the attorney general advises elective officials and State agencies on questions of laws and has general supervision of actions instituted by or against State officers. *See* VT. STAT. ANN. tit. 3, § 153(a), 159 (1997).

[68] In fiscal year 1997, the CRU processed 115 cases of employment discrimination, as compared with 118 cases in 1996. In both years, the majority of cases involved charges of discrimination based on sex or disability. In 1997 and 1998, the CRU brought 6 charges of race-based discrimination in employment. Two of the six charges involved allegations of race-based harassment and/or intimidation in employment. One charge was withdrawn with settlement, two were found to be without probable cause, and three were still pending as of Mar. 30, 1998. Katherine A. Hayes, Assistant Attorney General for Civil Rights, letter to Marc Pentino, civil rights analyst, U.S. Commission on Civil Rights, Eastern Regional Office. *See also* Hayes, telephone interview, Sept.11, 1998. Copies of the letter and interview notes are on file at the Commission's Eastern Regional Office.

[69] Ibid.

Difficulties that Limit Law Enforcement Agencies' Ability to Assist Victims

The Advisory Committee has identified two difficulties that hinder law enforcement agencies' ability to determine precisely the number of racial harassment incidents that occur in a given school or area: (1) the lack of complete information on the number and frequency of acts of violence against students, and (2) the absence of an information sharing system among State agencies for reporting these acts.

1. Currently, the Vermont Department of Public Safety's Criminal Information Center tracks all calls to police departments that participate in the State data collection system. It is difficult for the center to determine accurately how many racially motivated incidents are reported to police, since not all police departments participate in the system or maintain statistical information on the number and types of hate crimes.[75] For example, it was not until January 15, 1998, that the Burlington Police Department (which has jurisdiction over the State's largest minority community) began submitting hate crime statistics to the Criminal Information Center.[76] Other communities with large minority populations (such as Barre, Brattleboro, and Montpelier) have not begun to submit their hate crime statistics.[77] During 1997 the center recorded 79 assaults involving students in both public schools and Vermont colleges and universities.[78] Criminal Information Center staff estimate that the actual number of racially motivated incidents may be much higher.[79] Staff believe that if parents and student victims of racial incidents attempt to resolve their complaints through the school administration or by filing a complaint with the HRC, many acts will not be reported to the police and thus not recorded under the State's data collection system.[80] An additional difficulty that limits accurate data collection by the center is the fact that many police officers are not trained to recognize certain criminal acts that may be racially motivated.[81] As a result, many of the acts that could be considered as racially motivated crimes may not be reported as race related.

2. According to the CRU, criminal prosecutions of acts considered racially motivated are handled by State's attorneys, not the attorney general.[82] State's attorneys are alerted of incidents of violence when a report is filed by the police or by investigators working in a

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[70] VT. STAT. ANN. tit. 9, § 4552(b) (1997). *See* Katherine A. Hayes, Assistant Attorney General, Vermont Attorney General's Office, telephone interview, Mar. 23, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[71] Katherine A. Hayes, Assistant Attorney General for Civil Rights, telephone interview, July 21, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[72] Ibid.

[73] The committee is volunteer and consists of CRU staff, government officials, and community leaders. Ibid.

[74] Ibid. telephone Interview, Nov. 25, 1998.

[75] Max Schlueter, Vermont Department of Public Safety, Criminal Information Center, telephone interview, July 2 and 9, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[76] Ibid.

[77] Ibid.

[78] Ibid. Of these 79 cases, the Burlington area accounted for four racially motivated incidents, two of which occurred at the University of Vermont.

[79] Ibid.

[80] Ibid.

[81] Katherine A. Hayes, Assistant Attorney General for Civil Rights, telephone interview, Sept. 11, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[82] Ibid. Note, as of September 1998, the Attorney General's Office has not pursued any prosecutions under this provision. Ibid.

State's attorneys office who receive a call from a complainant and choose to investigate the matter. CRU staff noted that complainants frequently do not know which State agency accepts and processes harassment complaints.[83] Most cases of school-based harassment are referred to the HRC since they involve juvenile-to-juvenile conduct. Upon receipt of complaints, HRC staff may urge parents to contact police regarding acts of violence in the schools. However as HRC staff do not report incidents to the police without the consent of the parents, it is probable that many of these acts may never be reported to State's attorneys.[84]

As a result of the above, the Advisory Committee is concerned that State's attorneys and the attorney general may not be fully informed of acts of harassment and violence. Due to the difficulties in determining with any certainty the frequency of incidents, State's attorneys and the attorney general are limited in their ability to assist State agencies, community groups, and victims in remedying the problem.

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[83] Katherine A. Hayes, Assistant Attorney General for Civil Rights, telephone interview, Sept. 11, 1998. A copy of the interview notes is on file at the Commission's Eastern Regional Office.

[84] Information on the number of cases in which parents elected not to contact law enforcement officials is unavailable.

Chapter 4

Conclusions and Recommendations

At its November 1997 community forum, the Vermont Advisory Committee received information from parents, students, State government officials, and community organization representatives concerning incidents of racial harassment in both elementary and secondary public schools. The testimony gathered at the forum leads the Committee to believe that racial harassment is widespread and pervasive in and around the State's public schools and is a reflection of overall race relations in the State. The Committee is deeply concerned for the safety and welfare of all students, particularly minorities, who at times must confront these acts without assistance from school officials and State agencies. Panelists described the public schools as unfriendly and hostile to the needs of minority students, a setting wherein racial slurs, epithets, and physical assaults occur. Panelists also described the general ostracism of minority students from the total school community. As a result, minority students experience fear in attending schools and are reluctant to participate in school activities, adversely affecting their academic performance.

According to many panelists, a climate of insensitivity exists in Vermont communities whereby residents exhibit general intolerance to others of different racial and ethnic backgrounds. This reality has served to inhibit the entire State's ability to develop a level of sensitivity to civil rights issues unrelated to racial harassment. The Committee fears that the detrimental effects of racism will be evidenced in today's students long after completion of a particular school year and graduation from the public school system. As students leave the school system, many maintain their racial stereotypes and may perpetuate harmful attitudes towards minorities and feelings of animosity to others in the community. In addition, students who have experienced racial harassment will likely exhibit negative self-esteem, lowered self-confidence, and a sense of estrangement. These feelings may persist into adulthood and contribute to racial tensions in other contexts.

As schools play a major role in making positive changes for a community, it is vital that an emphasis be placed on ensuring that attitudes of racial intolerance are corrected at an early age. Messages of tolerance and sensitivity to minority concerns, transmitted to students and staff, can positively influence Vermont residents and can play a role in changing a culture of intolerance that currently exists. The following conclusions and recommendations are offered by the Advisory Committee to summarize the report's major findings and to provide proactive suggestions for Vermont leaders and educators.

Conclusion 1

Racism in Vermont Communities

According to many panelists, acts of harassment, bigotry, and violence have been directed at members of all racial and ethnic minority groups and frequently occur in the public schools. The Committee believes that these acts are merely a symptom of racism that is embedded within the larger Vermont community. As in many other States, racism has permeated into the very fabric of Vermont life, undermining residents' ability to contribute to the productivity and stability of the State. It has also added to the statewide difficulty to launch and sustain vigorous civil rights protection for minority residents (chapter 1, pp. 1–4, chapter 2, pp. 6–8, 11–13, 15–19, 20–30, 31–33, 48–50).

Recommendation 1.1

State officials, civil rights and civic organizations, religious organizations, and business leaders must alert Vermont citizens that racism continues to exist in the State, adversely affecting both minority and nonminority citizens in schools, the workplace, and in everyday interaction. State and community leaders must actively help develop a consensus that racism is no longer acceptable and must be eliminated. Recognizing that this goal takes a sustained effort over a long period of time, government, advocacy, business, and religious organizations must develop a long-range, coordinated plan to deal with the problem statewide.

Conclusion 2

Elimination of Racial Harassment as a Statewide Priority

As the numbers of minority students increase in the State, information gathered at the forum and followup research suggest there will be a concurrent rise in the number of racial harassment incidents and that these incidents will not be adequately dealt with by school administrators or State agencies. Although there have been efforts by the State legislature to address this issue, it has not become a priority among school administrators, school boards, elected officials, and State agencies charged with civil rights enforcement. In some instances, administrators and government leaders have denied the existence of the problem and do not acknowledge the need for improvements in overall race relations within the State. The business community and private groups (who possess the knowledge and expertise in dealing with harassment) have not elevated the debate to the State level to direct public attention and promote meaningful solutions. Although the Committee repeatedly offered school administrators and government leaders an opportunity to present their viewpoints on the issue, only two administrators attended the forum, while one organization (and one government official) submitted written materials to the Committee subsequent to the event. Their failure to respond, the Committee believes, is a reflection of general indifference and denial or avoidance of the problem of racial harassment (chapter 2, pp. 5, 8–11, 13–14, 17, 27–29, 44–47).

Recommendation 2.1

As Vermont's minority population increases, State officials, civil rights and civic organizations, and business leaders must join forces to enhance community awareness that racial harassment in public schools is a statewide problem adversely affecting minority and nonminority students alike. The problem deserves immediate attention by all segments of the Vermont business, education, and religious communities. The Governor should provide direct and coordinated organization and leadership to raise the collective consciousness to the problem of racial harassment. It is only through coordination and broad community involvement that improvements will be made. Business and government agencies should pool their resources to develop appropriate educational programs and teaching plans, promote community outreach events, and issue public service announcements. Organizations that should lend their support include economic development agencies, the business roundtable, civic clubs, religious organizations, local chambers of commerce, and Vermont teachers/superintendents unions. These organizations, in coordination with State officials, should strive to promote a deeper understanding in every sector of the State of the debilitating effects of racism upon minority and majority students, school staff, and the surrounding community.

Conclusion 3

The Need for School-Based Responses to Incidents of Racial Harassment

According to some panelists, even when alleged instances of racial harassment occur in schools, it has been reported that administrators are reluctant to accept them as racial incidents and may deny the existence of racial bias in the public schools. Panelists reported that this problem may be due to administrators' lack of training and ability to recognize and effectively respond to racism in the schools. Training that has been provided to teachers and administrators may not be successful in raising the consciousness or sensitivity of persons in the school system to problems of racial bias. Although administrators are dedicated to their profession, many purportedly exhibit an inability to deal with persons of other races, lacking an understanding on how to instruct students on ways to cope with cultural differences. As a result, administrators may fail to take appropriate steps to discipline the perpetrators of racial harassment and lack skills to remedy the problem (chapter 2, pp. 5–6, 8–11, 13–14, 27–29, 44–47, 51).

Recommendation 3.1

State lawmakers, local school boards, and administrators should support diversity in the public schools and actively strive to eliminate racial and other forms of harassment. More specifically, the State Board of Education and the Commissioner of the Vermont Department of Education should allocate sufficient resources to provide preservice and in-service training for all teachers, thus underscoring the importance of the prevention of racial harassment. The goal of all training should be to develop a class of teachers who anticipate potential situations wherein harassment may occur and can act swiftly to remedy the problem. Training should include techniques to identify and prevent harassment in school settings and proper instruction on how to immediately resolve incidents when they are witnessed by staff or called to their attention. All training should stress the importance of school-based resolution of the problems so that referral of the incident to State agencies is viewed as a last resort.

Conclusion 4

The Ineffectiveness of Existing State Law to Address Racial Harassment and Compliance by School Boards

Existing State law is deficient in addressing the problem of racial harassment on a systemwide basis. Vermont's Anti-Harassment in Education law does not grant the Vermont Department of Education direct oversight responsibility for supervisory unions and local school boards with regard to racial harassment issues. In addition, the law does not provide any penalty provisions for the department to impose sanctions in the event particular boards fail to develop or implement antiharassment policies and procedures. As found by the U.S. Department of Education's Office for Civil Rights, various school boards have not adopted provisions of the State model harassment policy and, in some cases, even neglected to adopt any policy. At present, schools report on the existence of racial harassment on a voluntary basis to their local school boards. Because this information is potentially damaging to the school, administrators may be reluctant to assess voluntarily their school's compliance with the objectives of the statute, disciplinary actions, or the existence of racial tensions (chapter 1, p.3, chapter 3, pp. 54–55).

Recommendation 4.1

The legislature should amend the Anti-Harassment in Education law to give the State Board of Education and the commissioner administrative and enforcement oversight authority over race-related issues in school districts so that stronger enforcement mechanisms and appropriate sanctions can be developed. This will enable the Department of Education to determine whether school boards have failed to develop and implement antiharassment polices and procedures that conform to the State model. Directing the commissioner to impose stricter standards for oversight should improve better data collection and reporting and compliance with the Anti-Harassment in Education law by individual schools.

Recommendation 4.2

The State Board of Education should make the elimination of harassment against any student a major agenda item of the State school system. The State Board should require disciplinary action for students who harass their peers. The disciplinary action should be commensurate to the severity of the offense and students should be aware that repeat offenses will result in greater consequences. The State board should lead the systemwide effort to instill in teachers a greater appreciation of minority student concerns. The State board should actively support a comprehensive training program on the State policy, the State Anti-Harassment in Education law, and proper disciplinary options that could stop racial harassment from occurring. The State board should ensure that this training program has taken place and report annually to the Governor and legislature on training programs implemented in State schools.

Recommendation 4.3

Schools should report their compliance with the Anti-Harassment in Education law in their annual school report submitted to the Vermont Department of Education. The commissioner should require all school boards to compile and report the number of minority students, the number of racial harassment incidents in each school, the type of disciplinary actions imposed upon the perpetrators, and the victim's satisfaction with the resolution process. This information will enable department staff to assess progress by keeping a record of:

1. The total number of complaints registered with schools, school boards, supervisory unions and/or the Human Rights Commission.
2. Whether perpetrators receive appropriate disciplinary action for acts of harassment.
3. Whether supervisory unions, school boards, school districts, and individual schools employ effective measures to prevent racial harassment incidents.
4. Whether schools experiencing a high number of incidents have endeavored to improve the overall school climate.
5. Individual outcomes of cases. Every effort should be made to ensure that information collected will remain confidential.

Recommendation 4.4

The Vermont Department of Education should consider developing an incident report form for distribution and use in schools. This form will allow parents and victims to communicate formally instances of racial harassment to school personnel, record their understanding of the incident (including responses by school staff), and suggest ways to ameliorate the situation. Once completed by the parent, the form can be used by administrators and/or Vermont State enforcement agencies to resolve the case.

Recommendation 4.5

The Vermont Commissioner of Education should report annually to the Governor and legislature on systemwide compliance with the Anti-Harassment in Education law and make the results of this report available to the public.

Conclusion 5

Inadequate Staffing at the Vermont Department of Education

The Vermont Department of Education brought to the Committee's attention serious staff shortages and limited resources available to the department to combat the problem of racial harassment. Because of this staff shortage, it is difficult for the department to set the elimination of racial harassment as a statewide priority and conduct statewide assessments of the effectiveness of local efforts to promote bias-free school environments. It also becomes difficult for the department to help districts implement professional development programs around this issue and serve as a source for local schools for technical expertise (chapter 3, pp. 55–57).

Recommendation 5.1

The Commissioner of the Vermont Department of Education should create *at least* one full-time staff position within the department solely to address racial harassment and promote racial and ethnic tolerance. This staff person would assess the overall success or failure of a school's attempts to promote a bias-free environment and assist school districts. The Advisory Committee recommends that the commissioner request additional funds from the legislature to support this initiative. We also recommend that the legislature approve this request for increased funds.

Recommendation 5.2

The Commissioner of the Vermont Department of Education should mandate that schools develop and provide each parent with information on ways to register their complaints with either the Vermont Department of Education, the Human Rights Commission, or the U.S. Department of Education's Office for Civil Rights. The information should describe what steps each educational entity and State enforcement agency must take when complaints are received and the level of monitoring and followup that will occur.

Conclusion 6

Use of Racially Biased Curriculum Material and Lesson Plans

Serious curriculum issues exist in the State's public schools. In some instances, teachers employ curriculum materials and lesson plans that promote racial stereotypes. There appears to be no statewide effort to ensure that the Vermont school curriculum is free of racial bias (chapter 2, pp. 10–14, 18–20, 31–34, 43–44, app. 7).

Recommendation 6.1

The Vermont Department of Education should take a leadership role in developing and disseminating to all school districts comprehensive, age-appropriate curricula that celebrate diversity, teach respectful behavior to all people, and develop skills to handle conflict.

Recommendation 6.2

Vermont schools should incorporate multicultural learning materials in individual schools that reflect the diversity of the State population and not simply the diversity present in the individual classroom in any given school year. Schools should endeavor to promote better tolerance among students by incorporating into lesson plans anti-bias curricula and information regarding diversity issues.

Recommendation 6.3

The Commissioner of the Vermont Department of Education and local school boards should develop a joint task force to assist school reviews of curriculum materials. The commissioner and school boards should notify schools when they are found to be using a curriculum that promotes racial stereotypes.

Recommendation 6.4

The Advisory Committee encourages schools to conduct mandatory teacher and staff training on the issues of racial harassment and proper curriculum selection and development.

Conclusion 7

Reviews and Assessments Pursuant to the Equal Educational Opportunity Act

The 1997 Equal Educational Opportunity Act (Act 60) is an effort by State legislators to equalize school funding across school district lines and to promote overall school quality. The act mandates the Commissioner of the Vermont Department of Education to conduct assessments of each school to determine if educational opportunities are substantially equal to those provided in other schools. However, the act is silent on the issue of racial harassment of minority students and the reporting by each school of its efforts to prevent racial harassment and foster safe and harassment-free environments (chapter 3, pp. 54–55).

Recommendation 7.1

The Advisory Committee urges the Commissioner of the Vermont Department of Education to include in his school quality determination an assessment of the existence of bias-free learning environments in each school.

Conclusion 8

Difficulties in Processing Complaints by the Vermont Human Rights Commission

The Vermont Human Rights Commission, the only State agency specifically empowered to investigate racial harassment incidents, does not have sufficient resources to address effectively incidents in the schools once they are reported. When complaints are made to the agency, parents of minority students experience long delays between the time a complaint is filed and a "reasonable grounds" determination is made. This is due in part to the small number of staff and the infrequency in which commissioners meet to discuss cases. Even when the commission issues a "reasonable grounds" finding, additional delays may occur while an appropriate remedy is fashioned by the agency, victim, and school district. For this reason, minorities are reluctant to come forward with their concerns and feel that assistance from State agencies will not be forthcoming. The experience of persons dealing with the Human Rights Commission is that they are not informed of the status of their complaints. This has resulted in frustration by parents. In addition, complaint processing delays often have serious implications for students who must confront harassment on a daily basis. In some instances, a parent who files a complaint at the beginning of a school year may not receive notice from the Human Rights Commission that it has found reasonable grounds supporting a charge of discrimination until a substantial portion of the school year is over. It is also likely that some charges may not be investigated and completed before a student graduates from elementary to middle, or middle to high school. Assuming the perpetrator is approximately the same age as the victim, the student(s) perpetrating the harassment may end up in the same school (or classroom) as the victim. Parents reported that having to "start over" with administrators in the new school is problematic, given the fact that they are not aware of the severity of the perpetrator's previous offenses or their effect upon the victim. Parents at the forum underscored that it is at this time when their children are most vulnerable for repeat instances of racial harassment (chapter 2, pp. 11–13, 22–27, chapter 3, pp. 57–61).

Recommendation 8.1

The Vermont Human Rights Commission should request (and the legislature provide) increased funding so that it can commit sufficient resources to the timely resolution of racial harassment complaints in public schools. Given the damaging effects upon children and the community at large, racial harassment complaints should be given high priority. When incidents of harassment are reported and "accepted" by the commission, staff should immediately communicate with the victim's parents in writing to inform them of anticipated processing time and steps that will be taken on their behalf. Commission staff should make every effort to process complaints in a timely manner and seek to expedite resolution of the charge. Commission staff should promptly convene a meeting with the victim, the perpetrator, and his or her parents to gather information and remedy the problem.

In the event both the perpetrator and victim have matriculated into the same school, the commission should ensure that administrators are informed of the perpetrator's prior conduct. Throughout the commission's investigation, staff should contact parents monthly to inform them of the ongoing status of their complaint.

Recommendation 8.2

The Vermont Department of Education should develop a coordinated system to process racial harassment complaints in public schools. The department should work with the Human Rights Commission and the U.S. Department of Education's Office for Civil Rights to accomplish this objective. This information sharing system should include the periodic reporting by agencies of their intake and disposition of racial harassment cases. The agencies should develop a comprehensive brochure describing the roles and responsibilities of each agency and the complaint resolution process that can be distributed to parents, teachers, and students. These efforts will assist in eliminating confusion experienced by parents who initiate a complaint to public agencies.

Appendix 1

Vermont Law - 16 Vermont Statutes Annotated 565: Anti-Harassment in Education Act (Adoption of Policy Prohibiting Unlawful Harassment of Students)

(a) Each school board shall develop, adopt and make available in the manner described under subdivision 563(1) of this title a harassment policy which includes:

(1) A statement prohibiting unlawful harassment of a student.
(2) The definition of harassment pursuant to subdivision 11(a)(26) of this title.
(3) Consequences and appropriate remedial action for staff or students who commit harassment.

(b) Each school district shall establish rules setting forth procedures for dealing with harassment of students. The rules shall include:

(1) Procedures for reporting harassment of students, including annual designation of two or more people within the institution to receive complaints and a procedure for publicizing those people's availability.
(2) A procedure for publicizing the availability of the Vermont human rights commission and the federal Department of Education's Office of Civil Rights and other appropriate state and federal agencies to receive complaints of harassment.
(3) A statement that acts of retaliation for reporting of harassment or for cooperating in an investigation of harassment is unlawful pursuant to subdivision 4503(a)(5) of Title 9.

(c) The school board shall provide notice of the policy and procedures developed under this section to students, custodial parents or guardians of students, and staff members. Notice to students shall be in age-appropriate language and should include examples of harassment. At a minimum, this notice shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for the school. The board shall use its discretion in developing and initiating age-appropriate programs to effectively inform students and staff about the substance of the policy and procedures in order to help prevent harassment. The harassment policies and procedures shall be implemented by August 1, 1995.

(d) For purposes of this section, staff means teachers, support staff, administrators, agents of the school board members and unpaid volunteers.

HISTORY: Added 1993, No. 162 (Adj. Sess.), @ 4
NOTES:
CROSS REFERENCES:
  Harassment policies for independent schools, see @ 166 of this title.
  Harassment policy for state colleges, see @ 2182 of this title.
  Harassment policy for University of Vermont, see @ 2284 of this title.

Appendix 2

Vermont Department of Education Model Harassment Policy

UNLAWFUL HARASSMENT

A. STATEMENT OF POLICY

This policy is intended to comply with the requirements of 16 V.S.A. §565 regarding the prohibition by school boards of unlawful harassment.

It is the policy of ________________________ [the "School District"] to maintain a learning and working environment that is free from unlawful harassment. The School District prohibits any form of unlawful harassment on the basis of disability, marital status, national origin, race, religion, sex, or sexual orientation.

B. GENERAL PROVISIONS

1. Violation. It is a violation of this policy for any student, teacher, administrator, or other school personnel unlawfully to harass a student, teacher, administrator, or other school personnel through conduct or communication on the basis of disability, marital status, national origin, race, religion, sex, or sexual orientation.
2. Complaint. Any student, teacher, administrator, or other school personnel who believes he or she has been subjected to unlawful harassment may make an internal complaint as described below and/or pursue other remedies provided by federal and state law.

C. DEFINITIONS AND EXAMPLES

1. Definitions.
   a. *"Unlawful harassment"* means verbal or physical conduct based on a person's disability, marital status, national origin, race, religion, sex, or sexual orientation which has the purpose or effect of substantially interfering with a person's performance or creating an intimidating, hostile or offensive environment.
   b. *"Sexual harassment"* is a form of unlawful harassment which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
      (I) Submission to that conduct is made either explicitly or implicitly a term or condition of that person's position;
      (ii) Submission to or rejection of such conduct by a person is used as a component of the basis for decisions affecting that person; or
      (iii) The conduct has the purpose or effect of substantially interfering with a person's performance or creating an intimidating, hostile or offensive environment.
   c. *"School personnel"* means school board members, school district employees, agents of the school district, unpaid volunteers, contractors and persons, other than students, who are subject to the supervision and control of the School District.

2. Examples. Examples of behaviors which, if sufficiently severe, pervasive or persistent to interfere with a person's ability to participate in or benefit from school programs, would be unlawful harassment include but are not limited to physical aggression or force, the threat of physical aggression or force, demeaning comments or behavior, slurs, mimicking, jokes, gestures, name-calling, graffiti, stalking, sexual advances, use of nicknames emphasizing stereotypes, comments on manner of speaking, negative references to customs, and derogatory comments regarding surnames.

D. REPORTING

1. Voluntary report.
    a. *Students.* A student may report an allegation of unlawful harassment he or she has experienced or witnesses at school or during school sponsored activities to any adult school personnel designated, in accordance with procedures developed under this policy, to receive complaints of unlawful harassment.
    b. *Adult school personnel.* Any adult school personnel may report an allegation of unlawful harassment he or she has experienced at school or during school sponsored activities to a person designated, in accordance with procedures developed under this policy, to receive complaints of unlawful harassment.
2. Mandatory report. Any adult school personnel who witnesses or receives a report, formal or informal, written or oral, of unlawful harassment at school or during school sponsored activities shall report it in accordance with procedures developed under this policy.
3. Privacy. The School District shall respect the privacy of the complainant, the individual(s) against whom the report is directed, and the witnesses to the extent consistent with the School District's obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

E. INVESTIGATION

The School District shall conduct an investigation, in accordance with procedures adopted under this policy, as soon as practicable but not later than ______ days following receipt of a report or complaint, formal or informal, written or oral, alleging unlawful harassment.

F. ACTION

1. Duty to act. The School District shall take appropriate action in all cases where this policy has been violated. Any person found to have violated this policy may be subject to appropriate consequences and/or remedial action including, but not limited to, warning, exclusion, suspension, expulsion, transfer, dismissal, or remedial action such as training, education, or counseling. The School District shall not take any action which is inconsistent with applicable collective bargaining agreements, state and federal laws, and other School District policies.

E. RETALIATION

Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under 9 V.S.A. §4502 (a) (5).

F. RECORD KEEPING AND NOTIFICATION

1. Record keeping. The Superintendent shall assure that a record of any complaint and investigation of unlawful harassment is maintained by the School District in a confidential file.
2. Notification. The Superintendent shall assure that the complainant is notified whether allegations of unlawful harassment were found to be correct, whether a violation of the policy was found, and whether action was taken as a result.

G. NOTICE

The Superintendent shall provide notice of the policy on unlawful harassment and these procedures to all school personnel and to custodial parents or guardians of students. The notice shall:

1. Be in age-appropriate language;
2. Include examples of behaviors which, if sufficiently severe, pervasive or persistent to interfere with a person's ability to participate in or benefit from school programs, would be unlawful harassment; and
3. Provide the following information about additional methods of pursuing claims of unlawful harassment:

   A person may make a complaint of harassment to the Vermont Human Rights Commission or the federal Office of Civil Rights at the following places:

   Vermont Human Rights Commission
   133 State Street
   Montpelier VT 05633-0001
   (802)828-2480

   Director, Compliance Division Area II
   Office for Civil Rights
   U.S. Department of Education, Region 1
   John W. McCormack Post Office and Courthouse, Room 222
   Post Office Square
   Boston, MA 02109
   (617)223-9667

   In addition, an individual may seek other remedies through private legal action and, in some circumstances, through criminal prosecution.

MODEL PROCEDURES: UNLAWFUL HARASSMENT

The School Board hereby adopts the following procedures to implement the School District's policy with respect to unlawful harassment.

A. MANDATORY REPORTING

1. To principal. Any adult school personnel who witnesses or receives a report, formal or informal, written or oral, of unlawful harassment at school or during school sponsored activities shall report it to the principal. If the report involves the school principal, the reporter shall make the report directly to the School District Equity Coordinator or Superintendent.
2. Principal's duty. Upon receipt of a report of unlawful harassment, the principal shall decide whether to retain and act upon it at the school site or to forward it directly to the School District Equity Coordinator.
   a. *Retained by principal.* If the principal acts upon the report at the school site and if the matter is not resolved informally, in accordance with Section B, he or she shall forward to the School District Equity Coordinator, within 5 days, a report of any action taken.
   b. Forwarded to School District Equity Coordinator. If the principal decides to forward the report directly to the School District Equity Coordinator, he or she shall do so immediately, without screening or investigating the report. The principal may request, but not insist upon, a written complaint. The principal shall forward to the School District Equity Coordinator:
      (i) a written statement of the complaint within 24 hours; and
      (ii) any available supporting documentation as soon as practicable.

3. Equity Coordinator. The Superintendent shall designate one individual within the School District/Supervisory Union as the School District Equity Coordinator to receive reports of unlawful harassment. If the report involves the School District Equity Coordinator, the reporter shall make it directly to the Superintendent. The School District shall post the name, mailing address, and telephone number of its Equity Coordinator conspicuously. For the 19___-___ school year, the District Equity Coordinator is:

   [Name]
   [Mailing address]
   [Telephone Number]

B. INFORMAL RESOLUTION

1. Students. If the complainant and respondent(s) are students, they may agree to a meeting facilitated by a school employee. If each student involved agrees the situation has been resolved by such a meeting, the school employee shall report to the principal only that the matter has been resolved informally. If

any student involved does not agree that the situation has been resolved, he or she may proceed to a formal investigation.

2. Adult school personnel. If the complainant and respondent(s) are adult school personnel, they may agree to a meeting facilitated by a school employee. If each school personnel involved agrees the situation has been resolved by such a meeting, the school employee shall report to the principal only that the matter has been resolved informally. If any school personnel involved does not agree that the situation has been resolved, he or she may proceed to a formal investigation.

C. INVESTIGATION

1. Who. Unless the matter is resolved in accordance with Section B, the School District Equity Coordinator or designee shall conduct an investigation [illegible] receipt of a report or complaint alleging unlawful harassment.
2. How. The investigator may interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation.
3. When. The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) days following receipt of the complaint.
4. Result. Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the Superintendent or, if the complaint involves the Superintendent, directly to the School Board, for appropriate action in accordance with School District disciplinary policy.

D. APPEAL

A person determined to have violated the policy on unlawful harassment and subjected to action under it may appeal the determination and/or the action taken as follows:

1. Student. If the person filing the appeal is a student, the appeal shall proceed in accordance with school district policy governing discipline of students and with law.
2. Staff.
    a. *Applicable collective bargaining agreement*. If the person filing the appeal is an adult school personnel who has applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with the person's rights in that agreement.
    b. *Other*. If the person filing the appeal is an adult school personnel who does not have applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with school district policy governing personnel discipline and with law.

2. False report. The School District shall take appropriate action against any student, teacher, administrator or other school personnel who makes a false report of unlawful harassment knowing it to be false.

3. Retaliation. The School District shall take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person for making a good faith report of unlawful harassment or for participating in an investigation or other part of the process established by this policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. The procedures established to implement this policy shall include a statement that retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under 9 V.S.A. §4502 (a) (5).

G. APPEAL

A person determined to have violated this policy and subjected to action under it may appeal the determination and/or the action taken in accordance with procedures adopted under this policy, which shall be consistent with the provisions of any applicable collective bargaining agreement.

H. MANDATORY REPORTING OF ABUSE

Under certain circumstances, alleged harassment may also be possible abuse under Vermont law. The statutory obligation to report suspected abuse, therefore, may be applicable.

I. DISSEMINATION AND TRAINING

1. Dissemination. This policy shall be:
   a. Posted conspicuously throughout each school building in areas accessible to all persons;
   b. Printed in any school district publication that sets forth the comprehensive rules, procedures, and standards of conduct for students; and
   c. Printed in any school district publication that sets forth the comprehensive rules, procedures, and standards of conduct for school district employees.
2. Training. The Superintendent shall develop a method of discussing this policy with students and employees.
3. Review. The School Board shall review this policy periodically for compliance with state and federal law.

Date Warned:
Date Adopted:
Legal Reference(s): 16 V.S.A. §565
16 V.S.A. §11 (a) (26)
9 V.S.A. Chapter 139

Cross Reference:

Appendix 3

U.S. Department of Education: Profile, Assessment, and Resolution Agreement

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION I
JOHN W. McCORMACK POST OFFICE AND COURTHOUSE, ROOM 222
BOSTON, MASSACHUSETTS 02109

June 27, 1997

OFFICE OF THE
REGIONAL DIRECTOR

Dr. Donna K. Jemilo
Superintendent of Schools
Burlington Public Schools
150 Colchester Avenue
Burlington, Vermont 05401

Re: Review No. 01-97-5011

Dear Superintendent Jemilo:

The Office for Civil Rights (OCR), U.S. Department of Education, has resolved the Profile, Assessment, and Resolution (PAR) review which the Burlington Public Schools (District) and OCR conducted in partnership in May 1997. This review was conducted under the authority of Title VI of the Civil Rights Act of 1964 and focused on the issues of discipline, racial harassment and hostile environment.

Community and school-based focus groups were a significant part of this review. OCR facilitated a number of focus groups during the week of May 12 with members of the Burlington Public Schools and the Burlington community. The purpose of these focus groups was to provide the opportunity for any community or school member to attend and participate by sharing their views on these issues and to generate ideas for future activities. Additionally, OCR reviewed information provided by the District and others relative to these issues. The information from these various sources was used to develop the agreement which was signed by the District on June 27, 1997. No discipline-related issues were identified which require future action on the part of the District.

When fully implemented, this Agreement will resolve the issues of this review. Continued compliance is contingent upon the District's implementation of this Agreement (copy enclosed). We recognize the steps the District has already taken to address these issues and thereby enhance educational services to students. We commend the District for working to continue to improve the services it provides students. We understand that the District will work to implement this Agreement over the next several years in accordance with the agreed-upon target dates. Based on this Agreement, as of the date of this letter, OCR considers this phase of the review completed. OCR will work with the District and will monitor the District's implementation of the Agreement until it is fully implemented, at which time OCR will close this review.

Thank you for your cooperation and that of your staff during this review. Should you have any questions, you may contact Frederick Dow, Equal Opportunity Specialist, at (617) 223-9663 or me at (617) 223-9667.

Sincerely,

Thomas J. Hibino
Regional Director

Enclosure

cc Honorable Marc Hull
Commissioner of Education

JUN 27 5 23 PM '97

RESOLUTION AGREEMENT
PROFILE, ASSESSMENT, AND RESOLUTION REVIEW
Burlington School District, Burlington, Vermont
No. 01-97-5011

The Burlington School District (District), Burlington, Vermont, submits the following resolution agreement for preventing and remedying racial harassment to the Office for Civil Rights (OCR), U.S. Department of Education. This agreement results from a Profile, Assessment, and Resolution (PAR) review, which OCR conducted in partnership with the District in May 1997.

OCR acknowledges the steps the District has already taken to enhance educational services for all students, and commends District officials for working to continue to improve these services. Based on the joint assessment and the recommendations provided during this review, the District agrees as follows.

1. By November 1, 1997, the District will review its harassment policy and procedure, and revise as necessary, to ensure that the following concerns are addressed:

    - there are time frames for the major stages of the process;
    - the procedure is written in language that is easily understood by students and their parents;
    - it is clear that the complainant has the option of, but is not required to, confront the accused harasser;
    - a clear explanation of what will happen at the informal level is included;
    - it is clear that the complainant can report the complaint to any staff person, not just the principal;
    - there is the ability to have complaints which are more than 30 days old addressed;
    - includes an assurance that the school will take steps to correct any adverse effects of the harassment on the complainant and others; and
    - includes examples of appropriate disciplinary sanctions with a range of consequences that are designed to serve as a deterrent

2. By May 1, 1998, the District will review, the manner in which school building officials are implementing its harassment policy and procedure . This review will include the involvement of parents and, when appropriate, students, who have participated in the

implementation of the harassment procedure. This process will be designed to ensure that:

- actions taken to remedy a complaint do not negatively impact the complainant;
- clear, consistent and accurate documentation is kept concerning the processing and outcome of complaints;
- complainants are never required to confront the accused harasser, and confrontation is not considered to be an option in cases when it is not appropriate;
- appropriate, significant and consistent consequences are administered for violations of the harassment policy; and
- complainants and their parents are provided with all legally releasable information concerning the outcome of investigations, including the consequences to the accused harasser.

3. By December 1, 1997, the District will complete an assessment of each building's training and curriculum needs with respect to diversity and race relations. The assessment should also address ways in which the District can facilitate the sharing among staff of existing materials and effective models designed to foster an inclusive, multicultural curriculum. By February 2, 1998, the District will begin to implement training and other activities in accordance with its assessment.

4. By December 1, 1997, the District will initiate on-going forums to promote dialogue among students, District staff, parents and other community members, regarding race issues with the goal of enhancing communication between all parties. These forums will gather input in a variety of areas including:

    - a complaint procedure for community and parents to voice their concerns over the actions or policies of the District;
    - the recruitment of faculty and staff who meet the needs of minority students, including students who are limited English proficient;
    - the role and responsibilities of the Diversity/ Equity Coordinator to identify issues which have been effectively addressed and those in which there are on-going concerns; and
    - the current strategic plan which addresses issues of diversity and race relations, how these issues could be made a clearer priority for the District, and, if appropriate, development of improved mechanisms for better communication regarding the District's implementation of the strategic plan.

5. By October 1, 1997, the District will develop a mechanism to provide information on an on-going basis to the community, parents, and students regarding the holding of these forums and the issues raised during them.

6.. By October 1, 1997, the District will develop and implement a plan for improving communication with families who are limited English proficient. This plan will include:

- policies and practices for the provision of school information and notices in students' primary home languages;
- policies and practices for the provision of trained translators to facilitate communication between the District and parents who are limited English proficient; and
- provision of signs in the school buildings and on school grounds in languages other than English.

REPORTING PROVISIONS

1. By December 30, 1997, the District will submit to OCR a report on the results of its review of its harassment policy and procedure in accordance with item 1 of the Agreement, including any revisions to the policy and procedure..

2. By May 25, 1998, the District will submit to OCR a report on the results of its review of the implementation of its harassment policy and procedures in accordance with item 2 of the Agreement.

3. By December 30, 1997, the District will submit to OCR a report on the results of its assessment of training needs in accordance with item 3 of the Agreement and a copy of its plan of training and other activities to address these needs.

4. By February 6, 1998, the District will submit to OCR a report on the results of its efforts to improve communications among students, District staff, parents and other community members on race issues, in accordance with item 4 of the Agreement, including a description of the specific actions taken with respect to the identified topics, as well as any other issues raised. By June 30, 1998 the District will provide a description of other areas addressed through the forums, actions taken as a result, and its assessment of the impact of these activities.

5. By October 17, 1997, the District will submit to OCR a description of the process developed in accordance with item 5 of the Agreement.

6. By December 30, 1997, the District will submit to OCR a copy of its plan for improving communication with families who are limited English proficient, in accordance with item 6 of the Agreement.

The District understands that OCR will conduct additional follow-up focus group discussions and visits as part of its monitoring and evaluation. These activities may be conducted before or subsequent to the District's reports and evaluations. Dates and times will be established that are mutually convenient and acceptable to OCR and the District, and well enough in advance to allow for timely preparation for these visits.

Donna Jemilo June 27, 1997

Donna K. Jemilo, Superintendent Date

May 16, 1997

DRAFT
RECOMMENDATIONS TO BURLINGTON SCHOOL DISTRICT RELATED TO DISCIPLINE AND RACIAL HARASSMENT

Below are draft recommendations prepared by the Office for Civil Rights (OCR) staff who conducted a Profile, Assessment, and Resolution (PAR) review of the Burlington School District (District) during the week of May 12 - 16, 1997. The focus of the PAR review was on whether the District ensures that students are not treated differently on the basis of race, color, or national origin in the administration of discipline, and whether the district ensures an educational environment free from racial harassment. These issues fall within OCR's jurisdiction under Title VI of the Civil Rights Act of 1964. The draft recommendations below were discussed with Superintendent Donna K. Jemilo, the Chair of the school board, central administration and building principals. These draft recommendations were presented at the team's exit conference on May 16, 1997.

One feature of the PAR review is to provide school officials with immediate feedback on any issues examined during the review to facilitate quick resolution of matters related to compliance with civil rights statutes enforced by OCR. After full discussion of the recommendations and related information, OCR and Burlington School District will enter into a resolution agreement.

OCR RECOMMENDS THAT THE DISTRICT SHOULD:

RACIAL HARASSMENT POLICY/GRIEVANCE PROCEDURE

1. Review its harassment policy and procedure to ensure that the following concerns are addressed:

    - there are timeframes for the major stages of the process;

    - the procedure is written in language that is easily understood by students and their parents.

    - it is clear that the complainant has the option of, but is not required to, confront the accused harasser.

    - a clear explanation of what will happen at the informal level is included;

    - it is clear that the complainant can report the complaint to any staff person, not just the principal.

    - there is the ability to have complaints which are more than 30 days old addressed;

- includes an assurance that the school will take steps to correct any adverse effects of the harassment on the complainant and others; and

- includes appropriate disciplinary sanctions that are sufficiently severe to have a deterrent effect.

2 Review the implementation of its harassment policy and procedure to ensure that:

- actions taken to remedy a complaint do not negatively impact the complainant;

- clear, consistent and accurate documentation is kept concerning the processing and outcome of complaints;

- complainants are never required to confront the accused harasser, and confrontation is not considered to be an option in cases when it is not appropriate;

- appropriate, significant and consistent consequences are administered for violations of the harassment policy; and

- complainants and their parents are provided with all legally releasable information concerning the outcome of investigations, including the consequences to the accused harasser.

COMMUNICATION

1 Include parents, students and community members in any revision or development of harassment and diversity policies and procedures.

2 Organize communication forums between students and District staff, and between District staff, parents and other community members, to promote on-going dialogue regarding race issues.

3 Consider how central administration can better communicate its vision and strategic plan for addressing issues concerning diversity and race relations.

4 Consider ways to improve communication between the District and the community as to actions taken to address issues concerning diversity and race relations.

TRAINING

1. Initiate an assessment of each school building's training needs with respect to diversity and race relations.

2. Explore ways of implementing a more inclusive, multicultural curriculum, including the sharing among staff of effective models and materials.

LANGUAGE

1. Develop policies and practices for provision of critical school information and materials in students' primary home languages.

2. Develop policies and practices for provision of trained translators to facilitate communication between the District and parents whose primary language is not English

3. Consider the need for and provide signs in the school buildings in languages other than English

GENERAL ISSUES

1. Consider whether the current strategic plan adequately and effectively addresses issues of diversity and race relations, and whether these issues should be made a clearer priority for the District

2. Target faculty and staff recruitment efforts at candidates who meet the needs of minority students, including students whose primary home language is not English

3. The primary role of the new Diversity Coordinator should be to ensure ongoing consistency and continuity in the District's efforts to address issues of diversity and race relations

Appendix
FOCUS GROUPS SUMMARIES

ISSUES, PERCEPTIONS AND CONCERNS:

Communication

- Lack of trust between school and community

- Perception that there is never any follow through or consequence when harassment is alleged

- Failure of District to communicate any efforts that have been implemented to address issues of diversity and racial harassment, especially with respect to the Strategic Plan.

- Lack of integration of school with community

- Lack of ability for staff to call each other on failure to recognize racial harassment and racism

- Failure to communicate that addressing race relations is a District priority.

- Failure to involve students, parents and community members in the process of developing policies and procedures.

- Lack of communication with and respect for the experiences of community members.

- Lack of communication to parents as to what programs, services and resources are available

Training

Ineffective, sporadic and superficial training on diversity issues that doesn't address needs of individual building sites

Students don't have an understanding or the same understanding as faculty of definition of racism

Language

- Inadequate translation of notices (field trips, etc.)

- Difficulty in obtaining interpreters, no system for requesting and obtaining interpreters.

- Lack of ability to communicate with LEP parents resulting in delays in relaying key information about child's school experience.

- Hard to get to know or befriend students who don't speak English

Attitudes

- Perception that students speaking in a foreign language are being exclusive.

- Failure to value and lack of respect for individual differences and diversity.

- Students' lack of tolerance for those who don't speak English well.

- Stereotyping

- Not a welcoming environment

- Failure to understand that race issues are everyone's problem, not just people of color.

- Lack of respect of faculty for students

- Assumption that all students are the same and have the same needs.

- Assumption that all students of color are "at risk."
- Students' general lack of civility towards each other

Curriculum

- Lack of integration of materials concerning people of color

- Lack of works by people of color

- Misinformation concerning people of color

- Tokenist approach ("Easter eggs")

- Lack of resources to address issues and support students of color

- School buildings don't reflect multicultural community, and are not welcoming

- Lack of understanding of US history and the immigration experience.

Staffing

- Homogeneity of staff; lack of diversity in staff

- Lack of accountabilty as to how staff perform vis a vis these issues

Policy Implementation

- Tolerance for racial harassment

- Failure to implement policy

- No consequences for harassment

- Students don't feel that there is a safe way to report harassment, and victim ends up being re-victimized by process

- Incidents which occur during participation in sports programs aren't addressed

Leadership

- Lack of knowledge about issues and leadership on issue.

- No plan, vision or goal for achieving improved race relations

- No systemic actions to address issue - piecemeal approach only

- Failure of administration and school board to acknowledge that there is a problem

- Programs are isolated and not coordinated with each other

- Issue is not a priority

STEPS/ACTIVITIES

Communication

- Build community-school links and partnership

- More forums and focus groups for students, parents, faculty and community members

- Facilitate participation of parents in focus groups by ensuring that meetings are held in a variety of places accessible to all, at various times, and with child care provided.

- Continuous media presence to publicize efforts and increase community involvement

- Working with staff to develop a process for fostering connections between students of different backgrounds.

- Involve students and parents in developing and evaluating policies and teachers

- Public service announcements on TV to promote involvement of community

- Provide regular progress reports on their children to parents

- Parent liaison to help teachers with issues of race and diversity.

- View parents as part of the team

Training

- Systematic, comprehensive, ongoing, building-based training for all staff. Should be integrated into daily life of school.

- Dedicating significant staff development time and resources to issues of diversity and race

- Making school environment more welcoming to new students.

Language

- Placing value and publically recognizing ability to speak more than one language

- Encourage LEP students to get involved in arts and sports programs

- Translate signs in buildings into other languages

- Effective system for provision of timely interpreter and translations services.

- Regular translation of all written materials into the home languages of the students and their parents

Attitudes

- Student empowerment; helping students feel responsible and able to rectify situation.

- Develop sensitivity to seriousness of harassment; its not just "kids will be kids."

- Making sure that people accept personal responsibility for eradicating racism

- Offer courses to parents and other community members through adult education classes.

- Re-examine neighborhood school concept and consider whether elementary schools should be more proportionately representational of the district-wide population.

Curriculum

- Support groups and support center for students and parents of color

- Have advocate or team of advocates (racially diverse) for students of color

- Library of resources on multicultural education, including a resource coordinator

- Multicultural center in schools or community

- Incorporating issues of diversity and anti-racism into the curriculum in a comprehensive fashion

- Have conflict resolution training for all students

- Sharing model materials that teachers have developed and learned about in trainings

- Increase understanding of immigration experience and what it means to be an American.

- Create a multicultural art project to decorate the school

- Train teachers in different methods of pedagogy, e.g cooperative learning and modelling.

- Bring in more of student's culture, including celebrations.

- Add more diverse publications to the library (magazines, books, etc.)

- Offer more small group extracurricular activities and encourage students of color to participate

Staffing

- More staff of color

- More involvement of community in hiring and in commitment to diversifying staff

- Make staff accountable for ensuring no tolerance for racial harrasment.

- Make staff accountable for implementing what they learn in training

- Use people in the community as role models or mentors.

Policy Implementation

- Someone identified as complaint ombudsman in each school

- Consistent follow-up with all students and parents after complaint is investigated.

- Ensure that students understands their rights, and the anti-harassment policies and procedures

- Support center for students and parents of color

- Significant consequences and no blame for victim when racial harassment complaint is filed

- Enforce zero tolerance policy

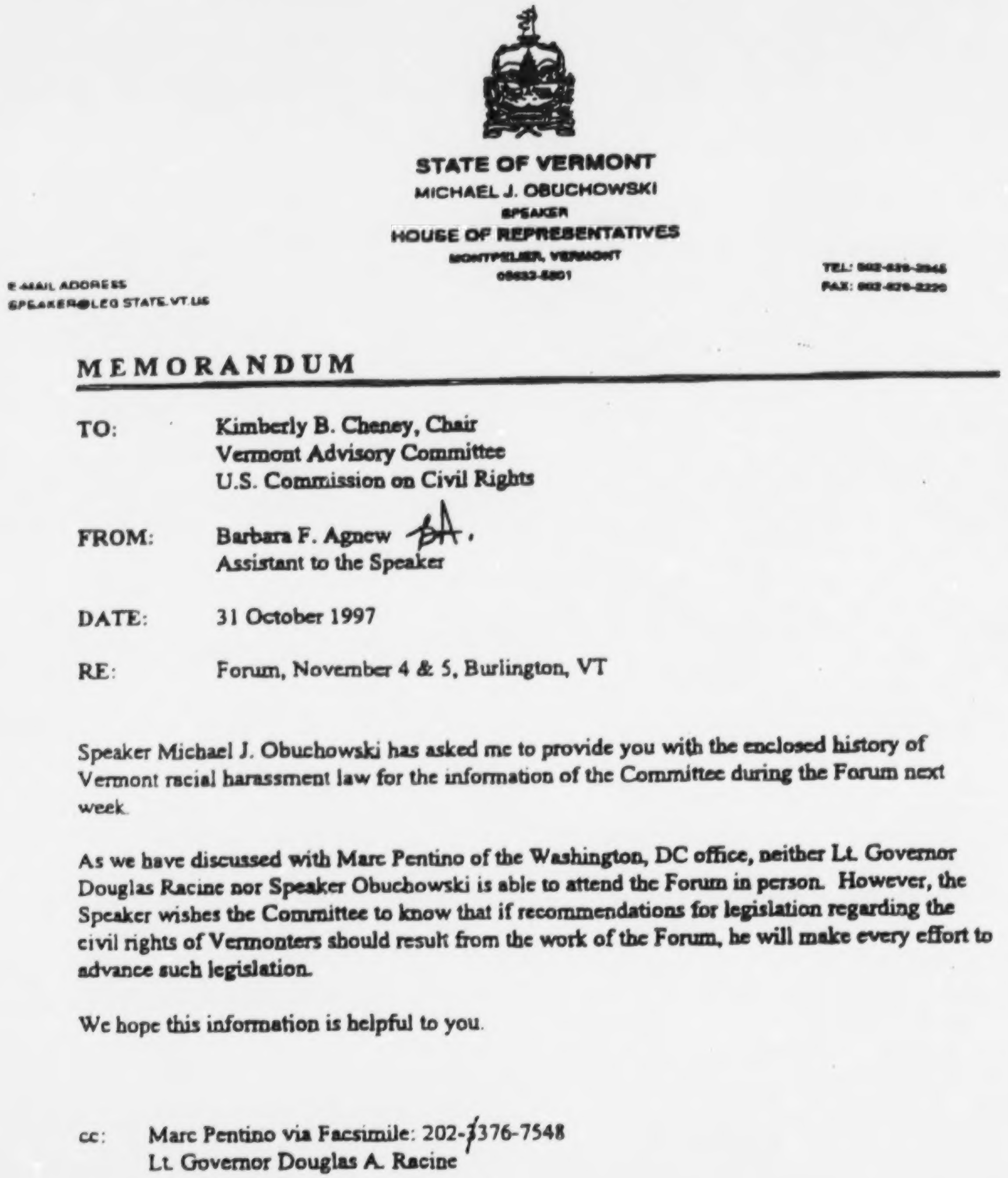
Leadership

- Several people should be responsible for coordinating the District's efforts in the areas of diversity and race relations.

- Top down comprehensive, coordinated systematic ongoing approach to dealing with issues of race and diversity

Appendix 4

History of Racial Harassment Law in Vermont: Submission by Speaker Michael Obuchowski, Vermont House of Representatives



STATE OF VERMONT
MICHAEL J. OBUCHOWSKI
SPEAKER
HOUSE OF REPRESENTATIVES
MONTPELIER, VERMONT
05633-5501

E-MAIL ADDRESS
SPEAKER@LEG.STATE.VT.US

TEL: 802-[illegible]
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MEMORANDUM

TO: Kimberly B. Cheney, Chair
Vermont Advisory Committee
U.S. Commission on Civil Rights

FROM: Barbara F. Agnew BA.
Assistant to the Speaker

DATE: 31 October 1997

RE: Forum, November 4 & 5, Burlington, VT

Speaker Michael J. Obuchowski has asked me to provide you with the enclosed history of Vermont racial harassment law for the information of the Committee during the Forum next week.

As we have discussed with Marc Pentino of the Washington, DC office, neither Lt. Governor Douglas Racine nor Speaker Obuchowski is able to attend the Forum in person. However, the Speaker wishes the Committee to know that if recommendations for legislation regarding the civil rights of Vermonters should result from the work of the Forum, he will make every effort to advance such legislation.

We hope this information is helpful to you.

cc: Marc Pentino via Facsimile: 202-/376-7548
Lt. Governor Douglas A. Racine

Vermont Legislative Council
115 State Street - Drawer 33
Montpelier, Vermont 05633

Phone: 802-828-2231
Fax: 802-828-2424

MEMORANDUM

To: Speaker Michael Obuchowski

From: Michael Jay Chernick, Research Counsel

Date: October 30, 1997

Subject: Racial Harassment Statute

You have requested a statutory history of racial harassment law in Vermont. A number of statutes, both civil and criminal, prohibit discrimination that is racially motivated. This report enumerates the substantive legislative enactments that either prohibit racially motivated discriminatory conduct, revised the definition of such conduct or increased the penalty for engaging in such conduct. A review of the Vermont Statutes Annotated would show additional legislative citations or historical notes following the codified statutory sections. These represent the addition of other protected classes of individuals, the renaming of departments or agencies or the statutory revision of an existing codified section. None of the omitted citations substantively affected the prohibition on engaging in the racially discriminatory conduct, the penalty or the legal remedy that the victim is authorized to seek.

The first contemporary antidiscrimination provision in Vermont law was enacted in 1957, and prohibited the denial of public accommodations due to a person's "race, creed, color or national origin", and included a maximum fine of $500.00, or a prison term of not more than 30 days or both.[1] It was codified as 13 V.S.A., Chapter 31. In 1974, the definition of public accommodation was defined as, "any establishment which caters or offers its services or facilities or goods to the general public."[2] Subsequently in 1977, the definition of public accommodation was further revised to read, "any school, restaurant, store or any other establishment which caters or offers its services or facilities or goods to the general public."[3]

Chapter 31 of Title 13 was repealed in 1987 when the legislature adopted a new Chapter 139 to Title 9 prohibiting discrimination in the offering of public accommodations as well as with respect to the rental and sale of real estate based on "race, religious creed, color, national origin, marital status or sex."[4] The new statute included certain rental exemptions such as for owner occupied buildings that contained 3 or fewer units and on age grounds for housing intended for persons age 62 or older.[5] The 1987 provision also authorized an aggrieved individual to file suit in superior court for compensatory and punitive damages and for the court to award costs and reasonable attorneys' fees.[6] It also established a criminal penalty not to exceed $1,000.00.

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[1] No. 109 of the Laws of 1957.

[2] No. 142 of the Laws of 1973 (Adj. Sess.).

[3] No. 36 of the Laws of 1977 (Bienn. Sess.).

With respect to commercial transactions, there are several laws that prohibit racially discriminatory practices. Racially motivated credit discrimination was prohibited in 1987 [7] and is codified at 8 V.S.A. § 1211. The victim of racially based credit discrimination may bring a civil action for actual and punitive damages, costs and reasonable attorney's fees. The conducting of agricultural leasing must be on a racially nondiscriminatory basis as the result of a 1990 legislative enactment[8] that is codified at 9 V.S.A. § 2488. A victim of racial discrimination in an agricultural leasing matter may seek redress in superior court as provided for in the consumer fraud statute [9] In 1989[10], the legislature prohibited racial discrimination in matters related to retail installment contracts or retail charges by a provision which is codified at 9 V.S.A. § 2410. The amount of monetary compensation that may be recovered for willful violation of Vermont's retail installment law, along with reasonable attorney's fees, is set forth in 9 V.S.A. § 2409.

In a labor context, in 1963[11], the legislature first prohibited the state of Vermont , any person contracting with the state, as well as the private sector from engaging in racial discrimination in employment or labor organizations. This ban was codified at 21 V.S.A. § 495 and while since subject to technical modifications has remained substantively the same with respect to racial discrimination. In addition, the State Labor Relations Act since its enactment in

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[4] No. 74 of the Laws of 1987 Sec. 1 and codified as § 9 V.S.A. § 4502(a) (public accommodations), 9 V.S.A. § 4503 (real estate) and 9 V.S.A. § 4504(a) (rentals).

[5] No. 74 of the Laws of 1987 (Bienn. Sess.) § 1, codified as 9 V.S.A. § 4504.

[6] No. 74 of the Laws of 1987 (Bienn. Sess.) § 1, codified as 9 V.S.A. § 4506.

[7] No. 44 of the Laws of 1987 (Bienn. Sess.) § 1.

[8] No. 284 of the Laws of 1989 (Bienn. Sess.) § 1

[9] 9 V.S.A. § 2480f.

[10] No. 122 of the Laws of 1989 (Bienn. Sess.) § 23

[11] No. 196 of the Laws of 1963 (Bienn. Sess.).

1967[12] has prohibited racial discrimination in state employment[13] and by closed shop labor organizations that contract with the state.[14]

The Municipal Relations Act, since its adoption in 1973[15] has prohibited racially based discrimination both by an employer and[16] by a labor organization that represents municipal employees.[17]

Perhaps the Vermont statutory provision that most directly addresses racial harassment is the reenacted 13 V.S.A. Chapter 31 which is now codified at § 1454-1457 and was adopted in 1990.[18] These statutory sections establish criminal sanctions for hate motivated crimes including those that are racially motivated. The statute does not create a specific "hate crime," but rather it increases the penalty for an underlying crime where the proven motivation is, "race, color, religion national origin, sex, ancestry, age, service in the armed forces of the United States or handicap as defined by 21 V.S.A. § 495(d)(7-11) or sexual orientation."[19]

Specifically, the person convicted of a racially motivated crime, when the normal penalty for the underlying crime is a prison term of a year or less, may be punished by a maximum of two years in prison or a fine not to exceed $2,000.00 or both.[20] Perpetrators of racially motivated crimes that normally carry a prison term of greater than one year, but less than five years, may be imprisoned for a maximum of 5 years or a fine not to exceed $10,000.00 or both.[21] If the penalty for a conviction of the underlying crime is 5 years or greater there is no statutory lengthening of the prison term, but the judge is to "consider the motivation of the defendant as a factor in sentencing."[22]

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[12] No. 198 of the Laws of 1967 (Bienn. Sess.) codified as 13 V.S.A. ,Chapter 19.

[13] No. 198 of the Laws of 1967 (Bienn. Sess.) § 14 codified as 13 V.S.A. § 1621(a)(7).

[14] No. 198 of the Laws of 1967 (Bienn. Sess.) § 14 codified as 21 V.S.A. § 1621(b)(8).

[15] No. 111 of the Laws of 1973 (Bienn. Sess.) codified as 21 V.S.A., Chapter 22.

[16] No. 111 of the Laws of 1973 (Bienn. Sess.) § 1 codified as 13 V.S.A. § 1726(a)(7).

[17] No. 111 of the Laws of 1973 (Bienn. Sess.) § 1 codified as 13 V.S.A. § 1726(b)(9).

[18] No. 172 of the Laws of 1989 (Adj. Sess.).

[19] 13 V.S.A. § 1455.

[20] 13 V.S.A. § 1455(1).

[21] 13 V.S.A. § 1455(2).

[22] 13 V.S.A. § 1455(3).

Chapter 35 also criminalizes actual or supportive acts of burning crosses or other religious symbols when the action is done, "with the intention of terrorizing or harassing a particular person or persons..."[23] The penalty is a maximum prison term of two years or a fine not to exceed $5,000.00 or both. Finally, the chapter also allows the victim of a racially or religiously motivated crime to bring a civil action "for injunctive relief, compensatory and punitive damages, costs and reasonable attorney fees."[24]

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[23] 13 V.S.A. § 1456.

[24] 13 V.S.A. § 1457.

Appendix 5

Responses by Vermont NEA, Human and Civil Rights Standing Committee

To: Kimberly B. Cheney, Vermont Advisory Committee, United States Commission on Civil Rights

From: Beth Dutton and Marlene Burke, Vermont-NEA Human and Civil Rights Standing Committee

Re: Vermont-NEA Report on Civil Rights

Date: February 8, 1998

We are submitting a part of the information you requested of us in the form of answers to questions three, four, five, six, and seven, with the rest to be followed by a report from Vermont-NEA Headquarters.

Question number one regarding the number of minority teachers in Vermont, broken down by race and school districts, will be difficult to answer. But since women are still legally classified as a minority group, it's obvious that an overwhelming majority of our teachers are in a minority group. As to Jews, Asians, Hispanics, Hindus, Buddhists, People of Color, Muslims, etc., I sincerely doubt those figures are available. In our own district those questions aren't asked. If they ever are, our Human and Civil Rights Group would protest. But headquarters will have to try to answer you.

(3) **The responsibilities and accomplishments of the Human and Civil Rights Standing Committee.**

The responsibilities of the committee are to propose policies and activities to achieve equitable treatment for all people in Vermont's public schools and to seek to eliminate discrimination in all forms and at all levels. As with the national committee after which we are patterned, we try to review the full range of human and civil rights, including the elimination of discrimination from our public schools and from our state and local associations. We review school board and contract policies, as well as the policies of the Vermont State Legislature regarding discrimination.

Our accomplishments have been many and varied, most notably the formation from within our group of the Vermont-NEA Advisory Standing Committee of Gay, Lesbian and Bisexual Educators and Allies, whose primary responsibilities are to monitor instances of discrimination in public schools against Gay, Lesbian, and Bisexual students and educators; to provide safe havens in all our public schools for Gay and Lesbian Students; to coordinate efforts with the Parents and Friends of Lesbians and Gays (PFLAG); to monitor school board and contractual policies regarding discrimination on the basis of sexual-orientation; to propose legislation to the Vermont State Legislation, which we are now in the process of doing, regarding discrimination and violation of constitutional rights; and to conduct surveys of instances of discrimination. There are, of course, other activities of that group.

We have alligned ourselves with the Vermont Anti-Racist Action Team to help put into place an anti-Racism Hotline for those facing or experiencing racial discrimination and harassment in public schools; with "Outright Vermont," another group working with and concerned about Gay, Lesbian, and Bisexual Youth; with "Seeds for Peace," which teaches tolerance, respect, and non-violence in the public schools; with "Parents, Teachers, and Students for Social Responsibility," an affiliate of Vermont-NEA, whose director is Dr. Glenn Hawkes.

With the latter group, we support and help to sponsor the Annual International Holocaust Institute for Youth, where, while the major emphasis is on teaching students the history of anti-Semitism and of the Holocaust, we and they help students understand how stereotyping, false accusations, rumors, and discrimination can create the foundation for hate crimes and for Genocide in any culture.

We have instituted the annual Human and Civil Rights Awards given every year at the Vermont-NEA Representative Assembly.

(4) **The Human and Civil Rights Awards.**

Since our inception in 1994, under the guidance and direction of one of our Vermont Association members and a four-year member of the national association's Human and Civil Rights Committee, Barbara Barbour, we have given eight awards. Following after the pattern set by the national association, we have given the following:

Five to students in the following category "a K-12 student whose activities have served to enhance the rights and self-esteem of student peers." They have all five won the awards on the strength of their wide variety of committed community service, their instrumentation in the formation of and their service with the Windsor County Youth Court, a pilot program for the State of Vermont: their work in helping to eliminate discrimination against minorities in public schools; their work in speaking throughout Vermont about, and working to institute, safe havens in public schools for Gay and Lesbian students; their service on the steering committee for the 5th World Peace Congress, which was held in Norwich, Vermont in 1995; and their committed membership in PTSSR, Inc.

One award was given to a person not an NEA member in the category of: "That person whose activities have protected and/or enhanced the rights of teachers, the teaching profession, and students in a significant way." It was awarded to Dr. Glenn Hawkes, the Director of PTSSR, for more than twenty years of work to achieve equity for all persons in Vermont.

And two have been given to teachers "whose professional activities have protected and/or enhanced the rights of students and teachers in public schools." One of the them was the organizer of "Seeds For Peace," who conducts school workshops for students throughout Vermont around such issues as discrimination, harassment, and hate; and the other of them was awarded for work with PTSSR; for teaching at the International Holocaust Institute; for giving birth to the Windsor County Youth Court; for collaboration with PFLAG to create safe havens in public schools; for work with GLBEA; for community service; for serving on the Peace Congress Steering Committee; and for organizing inservice programs for teachers on the subject of harassment and discrimination in schools.

The criteria for deciding who receives the award are pretty much included in the three categories of awards, but our committee casts a wide net, and we carefully consider every nominee presented to us, giving care to take into account what the individual has done to contribute to equity, peaceful resolution of difficulties, contributions to the rights of educators and students in public schools, and public service to both small and large communities.

Vermont-NEA Today, put out by Vermont-NEA's communications director, Laurie Huse, begins early in January to publish announcements of the upcoming awards and gives clear directions about the categories to be considered, deadline dates for applications, etc. Then, the nominations are sent to our committee for consideration and a vote. The recommendations are then presented to the Vermont-NEA Board of Directors for approval.

(5) **Racial Harassment in Vermont**

Any harassment based upon religion, race, sex, minority status, sexual-orientation, socio-economic status, ethnic origin, or anything else is considered to be a problem by Vermont-NEA and by our committee, though harassment of People of Color in Vermont is less of a problem than is another kind of racial harassment, anti-Semitism, and the harassment of the Gay and Lesbian population, both of which are fairly wide-spread. Our only major urban center, Burlington, does on occasion see incidences of harassment of People of Color, but both the city and the state are quick to get to the root of the situation and correct it. One member of our committee lives in that area and makes certain to keep us aware of incidences of the harassment of People of Color. Busier members are those living in the area of - or reasonably close to - Barre and Montpelier, where incidences of hate crimes against Jews are far more frequent.: desecration of gravesites, swastikas on stores and houses, etc.

(By reason of our by-laws regarding the size of standing committees, we feel that our seven-member committee is unhappily too small to keep abreast of everything that happens in Vermont, but we do our best. We always know we can call upon PTSSR, Inc, VARAT, PFLAG, GLBEA (our Advisory Standing Committee), Outright Vermont, and others to help us keep informed about where our attention most needs to be directed. And we also feel comfortable taking issues of possible discrimination to Vermont-NEA's Board of Directors.)

(6 and 7) Activities to address harassment and recommendations to school boards and staff development committees.

We have conducted several surveys of schools in Vermont to uncover incidences of harassment of any sort based upon any minority classification, and we follow up on anything reported to us, most usually with recommendations to the local association or to the school board. Vermont has some of the strictest anti-discrimination laws on the books, and most school boards are required to pattern their policies in accord with those laws. We have done statewide checks of school board anti-discrimination policies, and as frequently as possible we make recommendations to school boards where they may strengthen their own policies. In my own district, for example, Barbara Barbour and I pressed for the board to include sexual-orientation in their policy, which was done with no argument whatever.

Others of our members have done the same with other school boards, though it goes without saying that we have not yet been able to get to all of them. We likewise collect from Vermont-NEA and from other sources copies of school contracts to monitor the language regarding discrimination and have recently won some victories regarding domestic partner benefits, sexual orientation language in contracts, and inclusion of committee-approved books on homosexuality in school libraries.

Yes, we have pressed widely and usually successfully for staff development inservice programs on cultural diversity, harassment, discrimination. In my own school and others, the year's very first advisory program in every middle school and high school group addresses to the students themselves issues of harassment, discrimination, and cultural diversity. Our committees are relatively new, and we have a ways to go, of course. Both the Human and Civil Rights Committee and its offshoot the GLBEA will be making recommendations to Vermont-NEA and its members at the annual Representative Assembly in April. What recommendations we make we then believe will be carried by our lobbyist and counsel, Joel Cook, and by our Executive Director, Perry Kacik, to the legislature.

*****

If there is more information - other than that to be provided by headquarters - please feel free to contact one or both of us.

cc: Angelo Dorta, Perry Kacik, Joel Cook

Vermont-NEA

10 Wheelock Street
Montpelier, Vermont 05602-3737
(802) 223-6375 FAX (802) 223-1253

Mr. Marc Pentino
U.S. Commission on Civil Rights
624 Ninth Street N.W.
Washington, D.C. 20425

April 14, 1998

Dear Mr. Pentino:

Please find enclosed the responses to the questions you posed in your letter of February 2nd. I thank you for your patience and am sorry that the task could not have been finished earlier. In our very small office, the project became my responsibility and happened to occur during a very busy period, including our participation in the current important legislative session.

However, as you can see, great care was taken to craft very thoughtful and detailed answers. In addition, I made every effort to gather virtually every item of available documentation for the Appendix to aid your understanding of our positions and activities regarding all forms of bias and harassment in Vermont schools. The task was more time-consuming than I had estimated, but the final product is more complete and more accurate as a result.

Please feel free to contact me if you have further questions or concerns.

Sincerely,

Angelo J. Dorta

Angelo J. Dorta
President

An affiliate of the National Education Association

BEST COPY AVAILABLE

Vermont-NEA Responses to Questions Posed in the Letter of February 2, 1998 From Mr. Marc Pentino, United States Commission on Civil Rights

1. Numbers and Ethnic/Racial Classifications of Minority Teachers in Vermont

Over 8,800 members belong to Vermont-NEA (including 614 NEA-Retired members) and represent approximately 87% of current teachers and approximately 50% of the current education support personnel (ESP) workforce (administrators are excluded by law). Membership in the National Education Association, in Vermont-NEA, and in the more than 150 local affiliates in Vermont is totally voluntary within a unified membership structure. Prospective members initially are required to complete a single Association membership form which certifies them to join their local, state, and national organizations.

However, as long as Association members remain in the same school district and were members of record for the prior year, new membership forms do not need to be completed annually. Instead, the member's name and relevant data is shown from the prior year on a local school district/local teachers' Association computerized roster generated by the Controller at Vermont-NEA's office in Montpelier, who has official responsibility for maintaining our statewide membership records. To renew their membership, members of record in successive years simply need to correct any erroneous personal information relative to their address, teaching assignment, preferred method of dues payment, and other necessary information and then initial the roster.

The computerized rosters are delivered at the beginning of each new school year to Association leaders in each school district who are responsible for signing-up new members and re-signing former members. As long as an individual's Association membership is unbroken within the same school district, he/she simply must correct and initial the roster. If the individual previously has never been an Association member, or had declined membership during the prior year, or has gain new employment in a different town school district or supervisory union, then the single Association membership form must be completed.

As required by the National Education Association, the form contains a section for ethnic/racial self-disclosure which should be marked by the applicant. The numbers and classifications of ethnic/racial minority teachers in Vermont are derived solely from the membership form, based on the willingness of our members to self-disclose this type of information. In 1997-98, only 237 individuals (less than 3% of our total active membership) identified themselves as belonging to an ethnic/racial minority. In addition, 37.5% (3,088 members) of Vermont-NEA members did not know their ethnic/racial category or simply did not disclose the information at all, either intentionally or inadvertently.

By far, the most dominant categories among the 237 active minority members were American Indian/Native Alaskan (108 individuals, or 43%) and Asian/Pacific Islander (80 individuals, or 34%). Only 32 individuals (14%) were Chicano-Hispano, and just 7 educators were black (3%) . A computerized breakdown in table form of our membership can be found in the Appendix of this report.

(Vermont's Department of Education also may have a procedure for tracking this type of teacher information, and perhaps they also should be consulted.)

2. Number of Racial Harassment Incidents Reported to Vermont-NEA, 1993-1998

Members of Vermont-NEA do not automatically think of their local, state, and national Associations as the first organization --or even one of several possible organizations-- to which they could or should report such incidents. Surprising as it may seem to some people, the same lack of connection with their Associations as a possible resource or provider of assistance on this type of issue often is observed when other issues arise, even including certain matters pertaining to instruction and teacher professionalism. Despite recent initiatives since 1995 to change the traditional mindset, the vast majority of Vermont members still tend to think of their Associations primarily in areas dealing with collective bargaining concerns and with legislative lobbying.

Consequently, since I first became President of Vermont-NEA in July of 1995, my office has not received a single report of racial harassment in Vermont public schools. Since incidents are known to have occurred, it probably means that members are most likely to first report these events to officials in their employing school district, to local law enforcement or municipal offices, churches, and social service organizations, to the Vermont Human Rights Commission, and/or to the Vermont Department of Education. At the present time in comparison with these other entities, Vermont-NEA simply is too distant physically and in members' minds and also lacks the necessary legal standing and investigative powers to provide timely and direct assistance to members and students who are involved or who witness such incidents.

Additionally, Vermont legislation passed in 1994 charges each Vermont school district to develop anti-harassment policies, procedures for reporting incidents of harassment, and notices to parents and students citing the Vermont Human Rights Commission and the Department of Education as appropriate agencies to receive complaints and to handle cases of harassment. Since Vermont-NEA members are school district employees, it is reasonable to assume that our members look first to their local school district officials and employers for guidance on filing reports of harassment and that they also realize the primacy of the two agencies cited in the legislation. Making a report to Vermont-NEA becomes highly unlikely under these circumstances.

3. Responsibilities and Accomplishments of the Vermont-NEA Human and Civil Rights Standing Committee

Vermont-NEA's Human and Civil Rights Committee was first formed in 1994 and approved as an affiliated group by the Vermont-NEA Board of Directors. However, in order to ensure consistency with relevant Association Bylaws covering affiliations, a Bylaws amendment was developed and passed in 1996 which conferred status as a Standing Committee on the HCR group. The Vermont-NEA Human and Civil Rights Committee meets two or more times per year, and its responsibilities are outlined in Article 11 ("Committees and Review Board"), Section 1, subsection ix, of the Bylaws of Vermont-NEA, which are included as a document in the Appendix of this report:

> *"1. To monitor federal and state litigation and legislation involving the civil rights of educational employees and students and recommend Association action as needed;*
>
> *2. To monitor extremist activities within the educational environment, particularly as it might influence curriculum and educational policy, and recommend Association action as needed;*
>
> *3. To make recommendations as appropriate regarding resources and/or strategies to eliminate biases related to culture and to sexual orientation;*
>
> *4. To recommend to the Executive Committee recipients of the annual Vermont-NEA Human and Civil Rights Awards; and*
>
> *5. To review annually implementation of the Affirmative Action Plan."*

An objective view of the work of Vermont-NEA's Human and Civil Rights Committee will note several important accomplishments in less than 4 years:

1. raising awareness about community activity in defense of human and civil rights via the presentation of nearly a dozen awards to teachers, students, and private citizens at the annual Vermont-NEA Awards Dinner/Luncheon held each spring;

2. guidance and assistance provided in the establishment of Vermont-NEA's Gay, Lesbian, and Bisexual Educators and Allies advisory standing committee, whose goals are:
    - to monitor and to correct harassment of and discrimination against gay, lesbian, and bisexual teachers and students in Vermont's public schools;
    - to create workshops and programs to counteract discrimination in schools on the basis of sexual orientation and to establish safe havens in all schools for homosexual students;
    - to advocate for domestic partner benefits in educator contracts and legal recognition of same-sex marriages.

3. the creation and publication of a Holocaust social studies unit which appears on Vermont-NEA's web site (www.vtnea.org);

4. promotion of the annual International Holocaust Institute for Youth held at the University of Vermont in August, 1997, in partnership with Parents,

Teachers, and Students for Social Responsibility (an affiliate of Vermont-NEA);

5. collaboration with the Vermont Anti-Racist Action Team (VARAT) on two vital activities:

   * support of a telephone hotline to monitor incidences of ethnic/racial harassment and to advise victims about assistance;

   * dissemination of "An Anti-Bias Resource Guide for Vermont Educators" to teachers, administrators, parents, school boards, and citizens who need to know individuals and organizations who can assist public schools in the fight against all forms of intolerance, discrimination, and harassment.

The Resource Guide was composed by Renee LaRue, a member of Vermont-NEA, of the U-32 Teachers' Association local affiliate, and of the Vermont Anti-Racist Action Team (VARAT). A copy of the Guide also is included in the Appendix.

4. Information Regarding Vermont-NEA Human and Civil Rights Committee Awards

The three categories of the Vermont-NEA Human and Civil Rights Committee Awards are patterned after those of the NEA Human and Civil Rights Committee and are meant to cover all forms of harassment, discrimination, and bias, including racial bigotry. The category descriptors also serve as the awards criteria for the Vermont-NEA Human and Civil Rights Committee. They are as follows:

* Category 1: To the person or persons whose activities have protected and/or enhanced the rights of teachers and the teaching profession in a significant way.

* Category 2: To that member of the profession whose professional activities have protected and/or enhanced the rights of teachers and students

* Category 3: To a K-12 student or group of students whose activities have served to enhance the rights and self-esteem of their peers

Awards have been given since 1995 in one or more of the categories listed above. Solicitations for nominees begin to appear in all Vermont-NEA publications beginning in the fall. The Committee has developed its own nominating form which must be submitted to the Committee by Association members on or before March 1st. The Committee itself evaluates all nominees and recommends its selections to the Vermont-NEA Executive Committee and to the 18-member Board of Directors for final approval at the March Board meeting. Winners are publicly honored with program citations, personal introductions, and presentation of certificates or plaques at a dinner or luncheon which is held at our annual April general membership meeting called the Vermont-NEA Representative Assembly. Their names and achievements also may be forwarded to the

National Education Association for consideration of national awards bestowed annually by the NEA Human and Civil Rights Committee at the NEA Annual Meeting each July.

Past recipients of the Vermont-NEA Human and Civil Rights Committee Awards have been:

1998

Category 2: Barbara Barbour, teacher at Windsor Junior/Senior High School
Category 3: Kristen Nugent and Patrick Raymond, students at Rutland High School

1997

Category 1: Karin Eade, citizen activist, Grand Isle
Category 2: Dorinne Dorfmann, art teacher from Plainfield

1996

Category 2: Beth Dutton, teacher at Windsor Junior/Senior High School
Category 3: Hallie Davis and Sarah Jones, students at Windsor Junior/Senior High School

1995

Category 1: Glenn Hawkes, Executive Director of Parents, Teachers, and Students for Social Responsibility
Category 3: Jolie Dart, Mary Hochstin, and Torie Mesropian, students at Windsor Junior/Senior High School

A variety of supportive materials regarding the HCR Awards are included in the Appendix.

5. Does Vermont-NEA consider racial harassment against minority students to be a problem in the State? If so, has it risen to the level that requires action by Vermont-NEA and/or its local affiliates?

I believe that members of Vermont-NEA are becoming increasingly aware of and concerned about incidents of racism, bigotry, intolerance, and various forms of discrimination and harassment which have occurred in Vermont communities and schools in recent years. Despite the fact that problems in our largest towns and cities – such as Burlington, Rutland, St. Albans, Newport, St. Johnsbury, and Bennington– inevitably receive the greatest attention, school employees are beginning to realize that subtler actions and attitudes also may plague our smaller communities and our more rural schools at times.

They frequently voice their common belief that negative values and poor role-modeling by families and peers in communities of any size also can seep into our schools and precipitate incidents of harassment. And, when unfortunate and ugly events do occur in Vermont schools, they are the ones who are most likely to personally and professionally decry such negative and hurtful behavior in the school environment and to lead the disciplinary, rehabilitative, and ameliorative actions within the school involving the perpetrators and the victims.

Indeed, such concern is what led to the formation of the Vermont-NEA Human and Civil Rights Committee less than four years ago to help identify and combat ethnic/racial-, cultural-, and gender-based bias and harassment in our schools and communities. Although still only a small group, they already have started to have an impact by publicizing the problems of bias and harassment to other Association members and to the public, by forming partnerships with like-minded individuals and groups such as the Vermont Anti-Racist Action Team, and by honoring citizens, educators, and students who stoutly defend our society's humanitarian and democratic ideals. It is only a start, but it is a direct reaction to problems which have arisen in Vermont schools. In conjunction with existing NEA and Vermont-NEA Resolutions which already provide a clear and firm Association policy foundation for additional activity, the Association's HCR Committee provides both a principled example of the Association's concern about bias and harassment in our public schools and a budding structure for future efforts by the state affiliate and its local counterparts. (Relevant National and State Association Resolutions are included in the Appendix.)

It is my belief that the local school and school system, in concert with the parents and citizens of the surrounding community, will continue to be the most likely and effective source and focal point of positive, sustained response to incidents of racial harassment in Vermont schools. The individuals who live and work day-after-day within a particular school know best the unique "culture" of their school: the history, the demographics, the shifting faculty/staff/student/community attitudes, the available resources and leaders, etc. They also share the greatest responsibility for providing solutions to harassment problems when they arise and for developing pro-active strategies for creating a highly positive school climate.

More distant entities, such as Vermont-NEA and the Vermont Department of Education, are not nearly so well-situated to provide rapid, lasting, and effective solutions. They also risk the appearance and the reality of ineffectiveness if perceived as seeking to institute a one-size-fits-all approach to schools and communities who may possess very different characteristics and who may have experienced significant differences in the nature, frequency, and severity of their harassment problems, as well as in their past attempts to rectify them.

Theoretically, our local Association affiliates do not share the drawback of . However, many lack the organizational consciousness for Association collective action on the issue and prefer instead to work through existing school district management policies and administrative structures to obtain whatever curricular, disciplinary, and/or legal guidance and resources may be required when incidents occur. In addition, unilateral local Association action is not the response which holds the most promise for long-term success in overcoming problems related to bias and harassment. The battle against bias and harassment is most effectively fought in coordinated partnerships with other faculty, student, parent, and community groups, as well as with outside organizations and resources.

However, what Vermont-NEA can and now is attempting to do is to add its organizational voice and its limited resources to coalition work with other groups to fight all forms of bias and harassment. See #6 below for specific details.

6. Describe Vermont-NEA's recent activities to identify and address racial harassment incidents against minority students.

Vermont-NEA can become more active in teaching its members and others about student and adult attitudes and interactions, school climate indicators, and school policies and procedures which may jeopardize respect for racial and ethnic diversity and civil school behavior. It also can cultivate greater organizational understanding of positive collective action by local Associations regarding the prevention and remediation of bias and harassment problems in schools.

Both as a direct result of and also coincidentally with harassment incidents which have happened in Vermont public schools during the past year, the following Association actions already have been taken or currently are being formulated to aid Association members, school officials, students, and citizens who are willing to address known harassment problems and/or who wish to take preventative measures:

a. Further consultation with the Vermont Anti-Racist Action Team (VARAT) occurred this winter and led to the filing of an application by VARAT to become an official partner with Vermont-NEA. Vermont-NEA's Partnerships and Sponsorships Committee will consider the application at its next meeting, and acceptance of a Vermont-NEA and VARAT partnership virtually is certain. Formal partnership will mean additional and more concerted joint activity with greater visibility for Association members, school boards, students, parents, and the general public.

b. Vermont-NEA is intensifying its efforts to find ethnically and racially diverse Association members who may be willing to participate in NEA national and regional minority leadership trainings . Conducted under the auspices of the NEA Human and Civil Rights Committee, the NEA offers a two-year training cycle and requires attendance at a weekend-long training seminar during two consecutive years by a six-member team which should be "representative of the ethnic diversity within the state." Vermont-NEA then would seek to provide opportunities for trained minority Association members to give local workshops and other presentations (for example, statewide Summer Conference) about minority and diversity issues affecting students, faculty, related school personnel, and community members. Advertisement of the training opportunities will be accomplished via existing Vermont-NEA publications (all-member monthly Association newspaper/VERMONT-NEA TODAY, twice-monthly newsletter/LEADERSHIP UPDATE, and electronic bulletin/VERMONT-NEA MONDAY). Discussions with local Association presidents to advance recruitment of minority members have begun.

c. Vermont-NEA will consult with NEA staff and members associated with the National Diversity Training Program and the National Minority Leaders Development Cadre to determine the feasibility of developing and scheduling workshops and other training opportunities about minority and diversity issues affecting students, faculty, related school personnel, and community members. Presentations and trainings could be left open for enrollment by any Association member. Or, they could be targeted for school districts where bias and harassment problems have occurred and/or may be likely to occur due to concentrations of minority students and other factors.

d. Vermont-NEA will contact officials at the Vermont Department of Education and involve the Vermont Education Coalition (Vermont School Boards Association, Vermont Principals Association, Vermont Superintendents Association, Vermont PTA, Vermont Coalition for Disability Rights, Vermont Association of Special Education Administrators, and other constituent groups) in a discussion of racial harassment in Vermont schools with the goal of exploring possibilities for organizational cooperation to help remediate known problems in specific schools and to conduct preventative activities in high-risk schools and communities.

e. Vermont-NEA will meet with appropriate Vermont Department of Education officials to determine exactly which schools have known problems with racial harassment, what programs or corrective actions have been instituted to address the problems, and how Vermont-NEA can assist in a substantive and effective manner.

f. A letter to be sent to all local Association presidents will be drafted for approval by Vermont-NEA's Board of Directors and will ask local affiliate presidents to remind members about NEA and Vermont-NEA policy statements (Resolutions) which are relevant to issues of bias, harassment, and multiculturalism.

7. Has Vermont-NEA or its affiliates made recommendations to any school board for curriculum or teacher training modifications to enhance greater understanding of diverse cultures? If not, will recommendations of this nature be forthcoming?

At this time, Vermont-NEA has not made any specific recommendations to school boards. However, activities listed in #6 a-f above make it very likely that this type of action will occur in a general fashion and/or in specific school districts in the future as Vermont-NEA and its local Associations gain greater understanding of the problem and develop appropriate resources and implementation plans to support and assist our members, students, schools, and communities.

8. Has Vermont-NEA or its affiliates made recommendations for state legislation to detect and prevent racial harassment incidents. If not, will recommendations of this nature be forthcoming?

At this time, it is Vermont-NEA's considered opinion that sufficient statutory authority and State Board of Education rules and regulations exist to effectively handle the problem of racial harassment in Vermont schools. The focus of additional work to address the problem should be on school-specific awareness, sensitization, and understanding of racial harassment and to action plan development that assures daily attention to positive individual attitudes and behavior, interpersonal relationships, and school climate. Attention also must be paid to school and school district procedures which are respectful of the victims and their families, which provide appropriate consequences and opportunities for rehabilitation for the perpetrators, and which do not inadvertently exacerbate problems in the general school environment when incidents occur. The enactment of additional legislation is not needed in this area.

The following materials were submitted to the Advisory Committee as attachments to the submission by Vermont NEA.[1]

1. Vermont NEA Membership Enrollment Form
2. Ethnic Breakdown of Vermont Teachers
3. *Anti-Bias Resource Guide for Vermont Educators*, Vermont Anti-Racism Action Team (1998)
4. NEA resolutions regarding multicultural education, diversity, racism, civil rights, diverse instructional materials, institutional discrimination, and hate-motivated violence.
5. Vermont NEA resolutions regarding the promotion and protection of human and civil rights
6. NEA invitation to October/November 1998 minority leadership training courses.
7. Portions of the Vermont NEA Leadership Handbook (1997–1998) regarding elections, committees, and review boards
8. Annual report from Marlene Burke, Chair of the Vermont NEA Human and Civil Rights Committee (February 1998)
9. Vermont NEA Representative Assembly Committee Reports (April 1998)
10. "Vermont NEA honors Students and Members," Vermont NEA newsletter article (May 1998)
11. "Leadership Update," Vermont NEA newsletter (April 1998)
12. Agenda to the April 1998 Vermont NEA Awards Luncheon
13. Letters of Nomination for the Vermont NEA Human and Civil Rights Award of 1998 (February 1998)
14. "Dream Goes On—Two Rutland Students Are Honored During Martin Luther King Ceremony," *Rutland Herald*, Kevin O'Conner.
15. Vermont NEA - Human and Civil Rights Committee letters to teachers and students bestowing annual award (1998)
16. "1997 Rep Assembly sets dues, refers schools that work, awards honors," *Vermont NEA Today* (May 1997)
17. Agenda to the April 1997 Vermont NEA Awards Luncheon
18. Letters of Nomination for the Vermont NEA Human and Civil Rights Award of 1998 and supporting documents (February 1997)
19. Agenda to the April 1996 Vermont NEA Awards Luncheon
20. Vermont NEA - Human and Civil Rights Committee letters to teachers and students bestowing annual award (1996)
21. Vermont NEA newsletter (May 1995)
22. "Leadership Update," Vermont NEA newsletter (November 1996)
23. Vermont NEA newsletter (May 1996)
24. Request for information from Kimberly B. Cheney, Chairperson, Vermont Advisory Committee to Angelo Dorta, President Vermont NEA (February 1998)
25. Response to Kimberly B. Cheney letter of Dec. 12, 1997, letter by Angelo Dorta, President
26. Vermont NEA newsletter(January 1998)
27. Letter from Kimberly B. Cheney, Chairperson, Vermont Advisory Committee to Angelo Dorta, President Vermont NEA (December 1997)

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[1] Copies of the material can be requested by contacting the Commission's Eastern Regional Office.

Appendix 6

Welcome Statement by Peter Clavelle, Mayor of Burlington*

I want to thank the [Advisory Committee] for coming to the Greater Burlington area this evening and convening this forum to address harassment in Vermont's public schools. As mayor, I hear from many constituents about all too frequent incidents of racism in Burlington schools and in our community. I have three kids in the Burlington school system and we're all stakeholders, and I feel like maybe I have a slightly higher stake considering that I have an adopted daughter born in Korea. And I share this dream that Burlington and our State and our country will become a place that's free of racism and violence. And I do believe that we've made some progress, but I also know that we've got a long, long way to go.

Martin Luther King defined violence as whatever denies human integrity and leads to hopelessness and helplessness. And I think that if you embrace that broad definition of violence, that we come to recognize schools as a place of violence for [some] students on a daily basis, even for teachers and staff. Schools are a place of violence, a place where individuals are ignored, belittled, called name[s], harassed, discriminated against, and threatened. As we work towards building an environment which is not an environment of violence but an environment of respect, it's important that we understand that schools are a very important place to do this work and education is a basic tool to ending racism.

It's [also] very important (and what's powerful about this forum) is that communication and unleashing a dialogue about racism in our community is long overdue, and we need to share our views and to talk about racism and the need to ensure ethnic diversity in not only our schools but all of our institutions. And I know that at times this is a difficult dialogue; it's uncomfortable for some of us; for many it has provoked a response of denial. But it's time for us as a community and as a State to put these issues of racism on the table and to deal with them in a very forthright and honest manner as painful as that might be.

While this evening's focus is on schools, it's also important to remind ourselves that we can't end racism in schools without ending racism in all of our institutions, whether it's city hall or businesses or universities, our neighborhoods. We've got much work ahead of us, and certainly zero tolerance for racism in schools and the workplace is a place to start, but certainly is not a place to finish. We've got a long journey, and this community forum will bring these issues front and center and place them on the table as a milestone on the journey that we're embarking on as a community.

There is a distinct separation between city government and the schools. [The schools] are a department of the city but largely autonomous. I do think it's important that the mayor, as the only official in the city that's elected by all of the citizens of the city, utilize that office and the bully pulpit of mayor to provide issues of leadership on public education and certainly on the very important issue of racism. But I share that responsibility with 28 other elected officials in the city of Burlington, 14 school board members, and 14 city council members. So I've attempted at times, not as boldly as I might, to provide leadership, but more needs to be done and that there is a responsibility on my part to provide leadership on this issue. I also want to acknowledge the fact that the chair of the school board, Carol Ode, as well as one other member of the school board, Leslie Kaigle, are here this evening to hear firsthand some of the testimony that will take place this evening. So I want to welcome you here and thank you for convening this forum. I think it's a very important dialogue, one which we need to continue on a more regular basis. Welcome.

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* Presentation delivered by Mayor Clavelle at the Nov. 4, 1997, forum in Burlington.

Appendix 7

Examples of Damaging Curriculum and Prospective Alternatives*

Damaging Curriculum	Alternatives
Example 1: Seventh graders studying the United States Constitution concentrate on the Founding Fathers, each writing reports on one person and then dressing up as that person to deliver their reports. Teachers appear not to notice the hidden messages. All of the Fathers are white men, all girl students and boys of color are being made to concentrate on and dress as a white man. All of the Fathers are relatively or quite affluent. When the Three-Fifths Compromise is discussed, no one speaks of a black person's point of view.	After one semester's discussion about inclusive curriculum—and my experience is that it doesn't take a day's in-service, it takes at least a semester about 30 to 45 contact hours of teaching—some seventh grade teachers decide to keep the focus on the Constitution but to teach it differently. Half of the class does pretend that they're going off to shape the new government. The other, however, after a full class discussion of varieties of roles and lives stays home. Male farmers, apothecaries, women who are now running shops, indentured servants, Africans-in-bondage. Everybody now discusses the central issues. Teachers and students need to talk about the relative power, the validity and audibility of the voices of all those parties to the discussion.
Example 2: Teachers in one school find that several black students in the school tend to be dispersed, one or two to a classroom. Teachers try to change that. Still, painful incidents will occur. A white child explains that she was touching her classmate's hair because she wanted to feel what a black person's hair was like.	Two teachers, one black, the other white, one a classroom teacher, the other the guidance counselor, start a group to bring children of color together, to talk about themselves, share experience and gather strength.
Example 3: The main seventh grade history book in a middle school does include women and men of color, white women and disabled folks, but they tend to be mentioned in sidebars or in optional end of chapter activities. Teachers at the school have not noticed the hidden messages. White men are the norm, others are optional or exceptional exceptions.	The group of teachers who made the discovery about the textbook do learn the tools needed to diagnose these diseased messages and they take two intermediate steps: 1. They teach units of American history as more inclusive using the text as just one supplementary source and 2. they teach their students to see the bias in textbooks so the students can recognize the next time they are presented with biased materials.
Example 4: An elementary school celebrates black history month with [an] array of posters of [people] of color. The principal spotlights one person each morning when she addresses the school over the PA. During the Vermont Equity Project the principal suddenly recognizes the hidden messages her staff has been sending. Peoples of color are marginal, extra. We'll celebrate their lives merely as a display to pass by or we might say as extracurricular activity.	[The Principal] begins to wrestle with the need to bring peoples of color into course units throughout the school at every level. It's not easy to involve all of her teachers, to teach them the importance of changing. But she has involved about four-fifths of her staff so far in the Equity Project. No district mandate helps her out. Teachers choose professional development courses from an array of competing agendas. Unlike Minnesota, for instance, there is no strong, funded State mandate for making diversity a top priority for professional development.
Example 5: Two sixth grade teachers teaching Central American and Canadian history, a recommended unit, center their units on milestones in each nation's political and economic development. The people highlighted tend to be either affluent public figures or faceless native groups like say the Aztecs. Again, the racist, sexist and classist messages go unspoken. Where are the women, both native and European, where is family or community life, both native and European, what is happening to native peoples?	Teachers begin to recognize these and other damaging hidden messages and they take two measures. They teach their students ways to ask questions I just posed so that the children know how to see their own course units and how to talk about what is included and excluded and reasons why. The teachers find books about Canadian women of color, biographies of Mexicans, books about ordinary human beings and about crafts, communities and the role native peoples played in assimilating, resisting, helping Europeans stay alive, acting in all the ways in which they participated in human story.

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* Presented by Merryn Rutledge, Vermont Equity Project. See *Burlington Transcript*, pp. 212–25.

Appendix 8

Letter to the Advisory Committee, Nov. 12, 1998
VT Department of Social and Rehabilitation Services, Division of Social Services

State of Vermont
AGENCY OF HUMAN SERVICES
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
SOCIAL SERVICES DIVISION
255 North Main Street, 4th Floor
Barre, Vermont 05641

Tel: (802) 479-4260

Commissioner's Office

Child Care Services
Disability Determination Unit
Licensing & Regulation Division
Social Services Division

NOV 17 1997
CHENEY BROCK & SAUDEK, PC

November 12, 1998

Kimberly Cheney, Chair
The Vermont Advisory Committee to the U. S. Comm. on Civil Rights
% Cheney, Brock and Saudek
159 State Street
Montpelier, VT 05602

Dear Kim:

As requested by the Committee, we are adding this information to the oral statements we made on November 4, 1997.

We believe that school policy is often created as a reaction to a possible lawsuit or threat thereof, rather than beinng a proactive plan to reduce racism, discrimination and harrassment in the schools.

Having said that, we would like to identify some simple, and often cost effective measures that every Vermont school could easily implement.

While the focus of the Committee was on racism, we believe that racism can only be reduced when all children are valued for their individuality. We believe the schools should go beyond tolerence and should celebrate all children.

In Doty Elementary School in Worcester, Vermont, which has less than 100 students, the administration and faculty were open and responsive to the needs of a black child who felt isolated and unliked. School personnel immediately began acknowledging the child's presence by speaking to her, using her name and touching her in an appropriate manner. The Guidance Counselor is now going into the classroom twice weekly and meeting with students regarding their special similarities and celebrating their uniqueness. The classroom teacher is now aware that the room environment reflected only a white society. She is now making an effort to include materials that represent people from various ethnic groups. The school is also including more grades in diverse presentations that in the past were often the focus of only one class.

Montpelier's Union Elementary School's current program was initiated in response to a threatened lawsuit. Initially the school over-reacted and became hypersensitive to any incident of possible racism. At first, school personnel identified one student as a victim and another as a perpetrator rather than teaching both children about racism and it's harmful effects. The perceived victim was often made to "tattle" on the aggressor. Personnel reacted positively when they were asked not to put a victim on the "hot seat".

The Washington County Youth Services Bureau applied for and received a grant which allowed a Diversity Coordinator Bonnie Johnson-Aten, to be in the school two days weekly. Also an Advisory Diversity Committee of teachers, parents, community members and the Diversity Coordinator was formed.

It became apparant that some school staff believed that racism just didn't exist while others acknowledged that subtle racism was apparant. These latter teachers often said in essence, "tell me what's correct and I'll do it". The committee decided that we did not want to dictate to teachers what materials they should be using, but rather be a resource for them to broaden their knowledge and understanding on diversity issues. We also agreed that even though we might not have a direct influence on parents and their attitudes, the school needed to take a firm stand on what was acceptable behavior on school property.

Over the last few years, there have been many positive changes at Union School. Many of these changes were due to the ongoing presence of the Diversity Coordinator and the receptiveness of school personnel.

Hallways began to reflect a more diverse spirit in displays. Different cultures were included in many of the classrooms' themes rather than being isolated to certain times (i.e. Martin Luther King, Jr. Day and Black History Month). Teachers began to feel comfortable in asking for help from the Diversity Coordinator and/or committee. The Advisory Diversity Committee organized a multicultural book fair for teachers which was a huge success. Monthly school-wide assemblies were held where different themes were presented and students had the opportunity to display their creative talents in the school.

No one ethnic group was the main focus and we tried to ensure that no group was ignored. The school also supported the belief that name calling is as hurtful as physical aggression.

The Montpelier Main Street Middle School does not yet seem to have the same focus on racism and diversity, but we are hopeful that this will improve through staff, parent and community involvement.

We thank you for this opportunnity to provide these statements and we strongly support the work of your committee. Please feel free to contact us if you have any questions or desire further information.

Sincerely,

Diane Dexter per JB
Diane Dexter
Adoption Coordinator
Dept. of Soc. & Renab. Services
103 S. Main Street
Waterbury, VT 05676

802 241-2142

Judith Bl
Judith Blank
Adoption Social Worker
Dept. of Soc. & Rehab. Services
255 N. Main Street
Barre, VT 05641

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CC: Marc D. Pentino, Civil Rights Analyst

Appendix 9

"Reading, Writing, Racism," *Vermont Times*, Sept. 10, 1997

VERMONT Times

free

SEPTEMBER 10, 1997

Chittenden County's Newsweekly: www.vermont-times.com

Reading, Writing, Racism

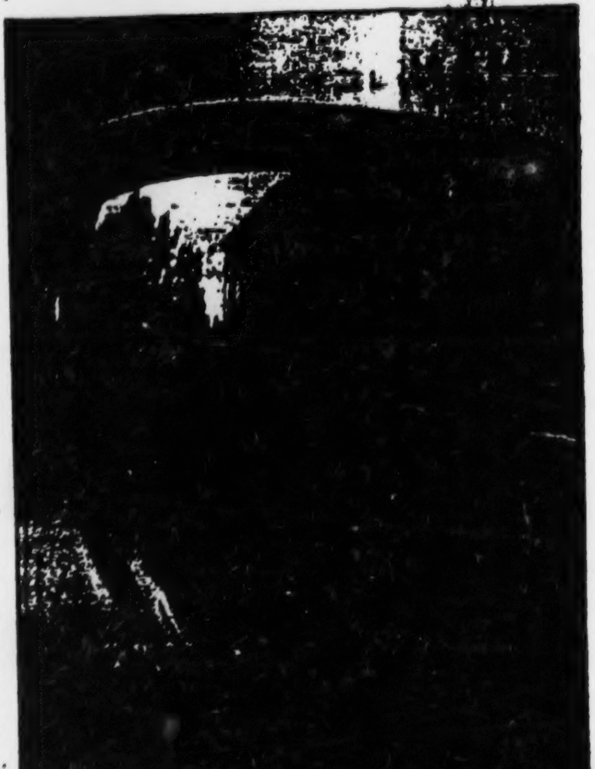
BY SHAY TOTTEN

As thousands of students, from the very young to high school, return to the classroom this month, a new effort is underway in Vermont to educate them about racial equality.

But, that work will not likely put an immediate dent in the underpinnings of racial disharmony that pervades today's society In the past three years, according to the Vermont Human Rights Commission, 30 percent of the 56 charges made against schools involved allegations of race discrimination, with a majority involving charges of racial harassment. And, according to a preliminary research paper presented to the Vermont Advisory Committee to the U.S. Civil Rights Commission by the Mount Elmore Institute, racial harassment in Vermont is frequent and common, especially among students. The institute, a private research foundation that focuses on diverity research, training and consulting, also found that most administrators are poorly equipped to handle the problem.

Last year, the Vermont Anti-

See Tolerance, page 13



***DON'T LOOK BACK** As thousands of students head back to school this month, Vermont community leaders are again looking to the schools to teach tolerance, acceptance and increase their awareness of the differences between cultures and people.*

PHOTO BY HARIS BEGOVIC

Tolerance, from page 1

As kids head back to school, they do so on the heels of a summer marked with several racial incidents, the most dramatic of which was a teenage African American boy beaten with a baseball bat by a white teenager.

Racism Action Team was formed. A coalition of parents, teachers, students and community activists, the group works to help coordinate some of the work being done by individual organizations in various pockets throughout the state. The group also established a special hotline for families and individuals facing discrimination and harassment. People who call the hotline are given information about their rights and what resources are available to them.

As kids head back to school, they do so on the heels of a summer marked with several racial incidents, the most dramatic of which was a teenage African American boy beaten with a baseball bat by a white teenager. While no hate crime charges have been filed against the attacker, parents and other community activists are convinced the beating was racially motivated.

Other local incidents involved Vietnamese residents who were almost kicked out of Battery Park for organizing volleyball games with dozens of players, and the list goes on.

Vermont has always had a mixed record when it comes to racial tolerance. Known for its staunch anti-slavery sentiments during the Civil War, it had nearly 100 years prior to the War Between the States outlawed slavery in its constitution. Vermont has also improved its record recently to include sweeping hate crimes laws which pre-date many similar books in other states. The Vermont Historical Society has even compiled a teaching booklet about Vermont's role in the underground railroad, which includes copies of original letters and documents.

Still, a growing concern about how this kind of new tolerance is being taught in the schools is leading many to push for change. Change, however, is not coming easy in the Green Mountain State.

The U.S. Department of Education's Civil Rights division came to Burlington this summer and established an agreement with the city schools to improve diversity awareness and put more teeth in administrative policies which govern actions by students, employees and faculty.

But, it is unclear who has direct authority over the effectiveness of these policies. Ostensibly, U.S. officials can step in when there are systemic problems or a spate of flareups, as was the case in Burlington. However, the state does not give its own education department the power to oversee and analyze at will local anti-discrimination policies.

"The reality of the situation is that we don't oversee anything involved with the legislation that was passed three years ago," says Paul Fassler, an attorney with the state Education Department and a frequent attendee of public meetings regarding harassment and discrimination in the schools. "We were involved, perhaps instrumental, in developing the state's anti-harassment legislation for schools, but the bill does not include any oversight, and does not give responsibility or power at the Department of Education. We have asked school districts to send us their policies and some have, but many others haven't."

That means that many schools may not have a policy in place, or at least one that meets the state mandate. The bill was passed in 1994, with a deadline for schools to comply by August 1, 1995. But, people who monitor and are active in the quest for a more inclusive educational system say complaints are on the rise, which begs the question: If there are policies in place, are they adequate. These active parents and community members will say no.

The only time the state might forcibly request to see a district's policy is if a com-

More Tolerance, page 14

... *Tolerance, from page 13*

plaint is lodged against the district. But, Fassler notes that the U.S. Department of Education's Civil Rights division has requested and received all policies and procedures of Vermont schools. The division was in Burlington earlier this year to hear from parents, students, administrators and teachers about the quality of the district's anti-discrimination policies. As a result of the visit, the district and the civil rights division have signed an agreement to ensure such action is taken seriously by district officials.

One of the reasons for the visit was because of the district's growing racial diversification, one that has increased at a greater rate than the state average. That alone makes it imperative that such policies can work in such a district.

Fassler is currently compiling the data on complaints filed against school disticts from the past several years and will unveil the findings at a set of public hearings to be held by the Vermont board of the U.S. Civil Rights Commission. The commission will hold two public hearings in November, one in Burlington and the other in Rutland.

"If we get two or three complaints a year that's a lot. We hear of a lot more incidents than that, but we don't know if any of those are filed anywhere," Fassler adds. He notes that a complaint does not have to be filed in every case for the department to take action. For example, it was discovered that a Northeast Kingdom high school was planning on holding a slave day. Immediately, the state education department called school officials and told them it was not an event that should take place. The school complied.

"So, in some cases like that – which are obvious ones – we were able to be more proactive than reactive," Fassler says. But, situations like this still remain the exception.

At the Vermont Human Rights Commission, itself a lighning rod about the investigation of discriminatory practices, the number of charges brought against schools for discrimination based on race are scant. In 1996, three such cases were filed; in 1995 the number was six and in 1994 it stood at eight. But, that represents nearly one third of all cases filed against schools for those years.

The most cases filed against schools stem from sexual discrimination (37 percent), followed by charges based on disability (23 perent), notes Harvey Golubek, the executive director of the commission.

"Certainly, we hear anecdotal evidence about there being more incidents of racial discrimination, but we don't get the calls. We're not sure where these cases are going, or if in fact they are being filed at all," Golubek says. "I would be curious to know why. We can't do anything unless we get a call."

UNITED WE STAND Of any school distict, there has been no greater influx of minority students than in Burlington. While percentage-wise, Winooski may be taking in more refugee students, Burlington is taking a broader mix of cultures.

For years, parents have complained that Burlington's school department, as an institution, has ignored their pleas for more effective policies that incorporate the concepts of recognizing and promoting diversity into the district's mission.

During the past three years, Burlington teachers have received extensive training and the school department has helped created a database that has been put on all computers. The database allows teachers to see what colleagues are using as resources in the classroom to teach about diversity.

"I have a feeling it is these kinds of connections that are really going to move people into action. With this database we are offering ideas to infuse within your regular curriculum. We've set the tone, and now people are experimenting and people are really doing great things," says Amy Mellencamp, the curriculum director for Burlington schools.

What is slowly beginning in the earlier grades is something that takes a more acute focus in ninth grade. There, as part of a personal development course, students learn more about tolerance and diversity.

> The parents getting involved – that's critical. We've got the kids about six hours a day, more if they play sports. That pales in comparison to the amount of time they spend with the family and TV.
>
> *– Jim Wornock, assistant superintendent of Burlington Schools*

"We have definitely moved beyond the awareness level and are doing some real work in the classroom. When it's something that is going on a daily basis, that's when we're really attending to diversity issues. I think people really jumped a level in the past year or so," says Mellencamp. "We have 278 teachers and they all know this is important, so now what we will work on is their steady work over the next two or three years. I also think that when an equity coordinator is hired, that person will be able to point the teachers to some additional resources."

While Mellencamp recognizes that what the school is doing may not be what some vocal parents have requested, she feels it is a responsible and proactive attempt to meet the concerns of all city residents, including those who may not see spending money on diversity training for teachers as a priority.

"Overall, I think we're lucky to have some good dialogue in this community. We're not as polarized as we could be, or as it is in many cities across the country," says Mellencamp.

The administration has also been at work creating one of the most detailed policies to track complaints. The state considers Burlington to have one of the most sophisticated tracking methods. Each supervisor and principal keeps a log of complaints, and those are compiled by the central office, says Jim Warnock, the assitant superintendent of the Burlington district. As well, he is notified of any complaint and he gets involved immediately.

"We also put a lot of energy into the issue of student to student harassment, and essentially our stance has really been one of zero tolerance," Warnock said.

When there is an issue involving a student, the parents of the child are brought in to discuss the matter.

"Any time you deal with it as extensively as you can, and that means working with kids as early as possible," says Warnock. "The parents getting involved – that's critical. We've got the kids about six hours a day. That pales in comparison to the amount of time they spend with the family and TV."

As part of the school's wellness program, which aims to make students well-rounded, productive citizens, students are taught about all the so-called "isms" of modern-day life – sexism, racism, ageism, and other discriminatory traits.

"It allows students to have more of a dialogue with each other and for them to understand and accept other cultures," says Loretta Benjamin Samuels, who teaches the diversity class to tenth graders.

"We don't use the word tolerance in the class. Instead, we use acceptance. I've found that the kids are willing to talk about it because it's not set up as a traditional classroom. I don't lecture them and there is no right or wrong – they have a voice."

The ability for their voices to be heard make it easier for students to talk about senstive issues.

BIG WORD ON CAMPUS This year, both St. Michael's and Trinity colleges have put a special emphasis on issues of diversity and tolerance.

For Trinity, their year-long effort is incorporated in the highly-popular Writers' Chair series, which will bring some of the nation's best known lecturers and popular figures to Burlington to talk about issues that affect the community at large.

At St. Michael's College, a year-long program on race education will kick off on September 18 with a rally titled "United We Stand: Embracing the World of Diversity. Speakers during the year will include civil rights activist and attorney J.L. Chestnut, author Paul Rogat Loeb, attorney Adrien Wing, and Deval Patrick, the assistant attorney general for civil rights during President Clinton's first term.

"In the seven years I've been here as the director of multicultural student affairs, one of my primary goals has been to foster interracial, intercultural understandings. I think this year is different, because we want this to be a sustained, ongoing and programatic effort," says Dot Williams, director of multicultural student affairs at St. Michael's College. Too often, people respond to incidents of hatred in a knee-jerk fashion because there is no system in place to deal with the problem before it arises.

"We know these hatreds are global and in many cases eternal," Williams says. " But, we are determined to let people think in a new way. I look at this as shining a bright light on this situation."

Appendix 10

Donald A. Grinde Jr., Director, ALANA/Ethnic Studies, University of Vermont, Summary Recommendations

The University of Vermont

ALANA STUDIES PROGRAM
WHEELER HOUSE
442 MAIN STREET
BURLINGTON, VERMONT 05405-0164
(802) 656-3289
FAX (802) 656-8653

November 5, 1997

Marc Pentino
Eastern Regional Office
United States Commission on Civil Rights
624 Ninth Street, N.W.
Washington, D.C. 20425

Dear Sir;

Re: Summary of my November 4 remarks and recommendations before the Vermont Advisory Committee to the United States Commission on Civil Rights about how the University of Vermont can help to remedy racial problems in Vermont Public Schools

The **ALANA Studies (Ethnic Studies)** program at the University of Vermont seeks to foster an environment at the university and in the community where race can be freely and openly discussed. The threefold purpose of the ALANA Studies program is:

1. to offer students a curriculum that deals critically with racism in America and its possible solutions
2. to aid faculty in research on race and racism in America and Vermont
3. to provide support to local and state communities as well as institutions for the advancement of knowledge about people of color in America and racial problems.

Through these goals, the university seeks to equip students (white and people of color) to function in a multiracial society in the 21st century. In short, the mission of the university in this area is to instruct students, in a meaningful way, about race in America.

Hence, the university is very much committed to outreach to the State of Vermont and its educational institutions on dealing with matters of race. As Director of ALANA Studies, I believe that a proactive response to racism in our schools is the best approach. We must stop the replication and reinvention of racism vis a vis our children that we have witnessed in testimony today.

Towards this goal, I recommend that the University of Vermont and the Vermont State Colleges meet with the Vermont Department of Education to develop a comprehensive program about race and racism that is relevant to the needs of this state. The following are some suggestions about policies to be pursued.

1. the Vermont Department of Education should mandate in the undergraduate teacher training and certification of teachers - courses that deal specifically with racial problems in America and also specifically in Vermont. These courses should be followed up with continued in-service training about race for teachers.

2. the Vermont Department of Education should mandate training in racism and the methods to combat racism in the public schools for school administrators as well. There should also be continued in-service training for administrators.

3. the Vermont Department of Education should mandate antiracism training for school staff (bus drivers, secretaries, etc.) as well. this training should be an ongoing process to make sure that all staff members are exposed to such problems and instructed in the ways to eliminate and/or minimize racial problems in their work environments.

Such antiracism training for persons employed by the public schools should get employees past the denial phase with regards to the problems of race in our schools and accept the fact that as Vermont becomes more diverse there will be a continued and sustained need for more vigorous efforts in antiracism.

The enlistment of parents and the local community in the efforts against racism is also very important. Parents meetings to discuss the implementation of these policies should be held so that they can understand the intent of the Vermont Department of Education and its institutional partners (universities, etc.). This will encourage parents as well as faculty, staff and administrators to take ownership over racial problems. It is important that white society understands the damaging effects of racism on them and that they are an important part in developing a solution. It should be emphasized that children unaware of the dynamics and effects of racism will be ill equipped to function in the multiracial work environment of the 21st century. Students, school employees and others that commit racial bias acts should be reprimanded appropriately and/or sent to classes and/or counseling that seeks to modify their racist behavior. At every turn, significant steps should be taken to protect the innocent victims of these acts and to condemn the perpetrators of such acts. If we blame the victims or isolate them, we send the wrong messages to those that commit such acts and we do little to eliminate racism in our educational institutions.

In the development of these antiracist goals, the University of Vermont pledges that its ALANA Studies faculty and faculty of color will play an integral role in developing these policies, programs and objectives. It should be emphasized that well documented racial problems in our schools are systemic and comprehensive efforts from all sectors of our society are needed to eliminate. In sum, The university can provide leadership in combatting racism and developing antiracist solutions specific to Vermont but all parties involved (the University of Vermont, the Vermont State Colleges, the Vermont Department of Education, Boards of local school districts, faculty, staff, students and parents) need to be invested in the process. Persons of color as well as sensitive whites should provide leadership in these efforts so that combatting racism can be perceived as a multiracial endeavor. However, the improvement of the experiences of people of color in the public schools should always be the primary focus. In essence, the rights of the victims of racist acts must always be protected and should not be minimized for the sake of the majority population.

In the final analysis, antiracism training in our public schools requires a multi-institutional and multifaceted effort. It will require time and resources from the various institutions involved, but it is money well spent to insure the future health of our society.

Sincerely,

Donald A. Grinde, Jr.
Director, ALANA/Ethnic Studies

Appendix 11

Comments to the Report by Donna K. Jemilo, Superintendent, Burlington School District

BUILDING A LEARNING COMMUNITY

October 9, 1998

Mr. Mark D. Pentino
U.S. Commission on Civil Rights
Eastern Regional Office
624 Ninth Street NW Suite 500
Washington DC 20425

Dear Mr. Pentino,

This letter and attachments serve as a response to your request for review of the section of the draft report of the Vermont Advisory Committee to the U.S. Commission on Civil Rights, *Racial Harassment in Vermont Public Schools*, recently sent to my office.

Paragraph 1 ("In early 1997, ...) 1 Any complaints that may have been received by the Office of Civil Rights (OCR) from parents and community leaders that a large number of racial harassment incidents were occurring in the Burlington area were never shared with the district by OCR staff. In fact, as the attached letter of March 31, 1997 from Mr. Thomas Hibino, Regional Director for OCR Region 1, notifying the district of its selection for a compliance review states, " School systems are selected for review based upon a variety of factors, such as the size of the minority populations within a district, data from federal and state sources, geographic location, and related information. Compliance reviews are usually not prompted by complaints, which are handled by OCR staff upon receipt." (pp.1). While Mr. Hibino's letter does state that "OCR staff will work with school officials to assist the district in conducting a self-assessment of its civil rights profile relative to the issue under review, and to develop positive recommendations to address civil rights concerns, or to prevent future compliance problems" (pp.2), there is no reference to specific complaints or complaints in general that "a large number of racial harassment incidents were occurring in the Burlington area" nor is there reference to any "claims that reported incidents were not being effectively addressed by the district". 2 Therefore, to summarize as the report does in this paragraph that the OCR compliance review was prompted by complaints and claims is an inconsistent representation of the rationale for this compliance review as formally presented to the district by OCR.

Paragraph 4 ("In preparation for the review, ...) This paragraph is wholly inaccurate. In preparation for the review of the *Burlington School District* the OCR

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Committee's Responses

1 This information has been revised subsequent to Superintendent Jemilo's review of the draft report. See Chapter 1, pages 2-3.

2 This section of the report has been revised based on OCR comments which do not fully agree with Superintendent's interpretation. See pages 2-3 and Chapter 1, footnote 17.

requested copies of the district's harassment policies and procedures along with student discipline records from each school in the Burlington School District, copies of school discipline procedures, school handbooks for students and parents and other pertinent information. All of this was collated and presented to the OCR in strict compliance with their timelines. It is worth noting here that the Burlington School District had a fully compliant harassment policy in place prior to the development of a model policy by the Vermont Department of Education. And with regards to the issue of whether differing degrees of discipline were applied to minority students in the Burlington School District, Mr. Hibino's letter of June 27, 1997 (attached) states: "No discipline-related issues were identified which require future action on the part of the District" (pp.1). The reference in this paragraph of your draft report to other school districts having failed to adopt harassment policies has absolutely nothing to do with the OCR review of the Burlington *3* School District. I am also not aware that the OCR conducted any state-wide review of individual school district harassment policies and it certainly was not done in preparation for the OCR review of the Burlington School District. I urge you to research and clarify this before committing it as fact in this report.

3 Appropriate changes have been made to the final report.

Paragraph 5 ("Following the review,...) Attached to the June 27, 1997 letter from Mr. Hibino cited above is a copy of the Resolution Agreement entered into *4* collaboratively by the Burlington school District and OCR. I trust you have or will review it for a fuller understanding of the ongoing efforts on the part of the district. Also attached is a letter to OCR dated February 27, 1998, from James Warnock, the district's Assistant Superintendent, reporting the district's compliance with provisions of the Resolution Agreement.

4 The PAR review resolution agreement and the school district's subsequent correspondence is shown in Appendix 3

We appreciate the opportunity to review this section of the draft report and provide this additional information and corrections to insure the report's accuracy.

Sincerely,

Donna K. Jemilo

Donna K. Jemilo, Superintendent

c.c: Carol Ode, Board Chair
James Warnock, Asst. Superintendent
Bonnie Johnson-Aten, Diversity/Equity Coordinator

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION I
JOHN W. McCORMACK POST OFFICE AND COURTHOUSE, ROOM 222
BOSTON, MASSACHUSETTS 02109

March 31, 1997

OFFICE OF THE
REGIONAL DIRECTOR

Ms. Donna Jemilo, Ph.D.
Superintendent of Schools
Burlington Public Schools
150 Colchester Avenue
Burlington, Vermont 05401

Re: Review No. 01-97-5011

Dear Superintendent Jemilo:

The purpose of this letter is to inform you that the Office for Civil Rights (OCR), U.S. Department of Education (Department), has selected the Burlington Public School District (District) for a compliance review under Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin. This review will focus on whether the District ensures that students are not treated differently on the basis of race, color, or national origin in the administration of discipline; and whether the district ensures an educational environment free from racial harassment.

As a recipient of Federal financial assistance from the U.S. Department of Education, the District is subject to the requirements of Title VI. The Title VI regulation at 34 C.F.R. § 100.3(a) and (b)(1) and (2) defines specific prohibitions against discrimination. Under the regulation at 34 C.F.R. § 100.7(a), OCR has authority to conduct periodic reviews of school systems to ensure their compliance with the civil rights laws and regulations. The regulation at 34 C.F.R. § 100.6© authorizes OCR's access to information maintained by a recipient of Federal financial assistance.

School systems are selected for review based upon a variety of factors, such as the size of the minority populations within a district, data from Federal and state sources, geographic location, and related information. Compliance reviews are usually not prompted by complaints, which are handled by OCR staff upon receipt.

Compliance reviews have traditionally involved a comprehensive investigative approach resulting in formal findings issued after several months. Recently, OCR has developed a more streamlined partnership approach, which allows greater participation by school officials in shaping the outcome of the process. This new approach, called Profile, Assessment, and Resolution (PAR), recognizes that Federal, state, and local education agencies, as well as parents and other interested parties, share a common goal of providing equal opportunity and access to high-quality education for all students. Through this approach, OCR seeks to combine its expertise with that of state and local officials, parents, and other community members to reach effective solutions to high-priority civil rights issues.

In conducting this review, OCR staff will work with school officials to assist the District in conducting a self-assessment of its civil rights profile relative to the issue under review, and to develop positive recommendations to address civil rights concerns, or to prevent future compliance problems. OCR staff will be on-site in the district for four to five days to interview district personnel, students, parents, community groups to facilitate understanding of the issue and the concerns in the District. OCR staff will meet with school officials to discuss draft recommendations, and provide written recommendations within a few days of the on-site visit. If compliance issues are identified during the review, OCR staff will work with you to achieve an agreement within 30 to 45 days that will resolve any outstanding issues.

If the compliance issues are resolved through the PAR process, we will not issue formal findings. In the event we are unable to achieve resolution of the issues through a cooperative effort with the District, OCR will conduct further investigation, issue written findings, and take additional enforcement action, where necessary.

Last year, OCR worked with school districts throughout the nation to achieve resolution of compliance issues through the PAR reviews, and developed written materials that facilitate the process. Enclosed are copies of OCR's PAR Issue Brochure on disciplining minority students and ensuring an environment free from racial harassment, the District Assessment Guide, and a Profile Data Request.

- The PAR Issue Brochure describes the PAR process, and provides school districts with guidance and recommendations for discipline and racial harassment/hostile environment issues.

- The District Assessment Guide is an evaluation instrument that school districts may use to assess and identify potential civil rights concerns for these issues.

- The Profile Data Request is designed to provide a district profile regarding minority discipline and racial harassment/hostile environment issues. The school district's response to the Profile Data Request will be used in conjunction with the District's assessment to facilitate OCR's on-site review, and to assist OCR in formulating recommendations to the District regarding these issues.

Mr. Fred Dow, of my staff, has begun discussions with you to determine mutually agreeable dates for a PAR review of the District and preparation of the District's Profile Data Request and assessment. He also explained the PAR review process and the uses of the documents we are sending you.

Please be informed that the Title VI regulation provides that no recipient of Federal financial assistance or other persons shall intimidate, threaten, coerce, or discriminate against any individual

Please be informed that the Title VI regulation provides that no recipient of Federal financial assistance or other persons shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by applicable Federal law, or because one has made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing held in connection with a complaint or review.

Also, under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

I appreciate your cooperation in participating in this process. We look forward to the opportunity to work with you and other District staff. Should you have any questions at any time during the course of the review, please contact me at (617) 223-9667 or Fred Dow, the Equal Opportunity Specialist assigned to this review at (617) 223-9663.

Sincerely,

Thomas J. Hibino

Thomas J. Hibino
Regional Director

Enclosures

cc Marc Hull
Commissioner of Education

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION I
JOHN W. McCORMACK POST OFFICE AND COURTHOUSE, ROOM 22
BOSTON, MASSACHUSETTS 02109

RECEIVED
JUN 0 1997
SUPERINTENDENT'S OFFICE

June 27, 1997

OFFICE OF THE
REGIONAL DIRECTOR

Dr. Donna K. Jemilo
Superintendent of Schools
Burlington Public Schools
150 Colchester Avenue
Burlington, Vermont 05401

Re: Review No. 01-97-5011

Dear Superintendent Jemilo:

The Office for Civil Rights (OCR), U.S. Department of Education, has resolved the Profile, Assessment, and Resolution (PAR) review which the Burlington Public Schools (District) and OCR conducted in partnership in May 1997. This review was conducted under the authority of Title VI of the Civil Rights Act of 1964 and focused on the issues of discipline, racial harassment and hostile environment.

Community and school-based focus groups were a significant part of this review. OCR facilitated a number of focus groups during the week of May 12 with members of the Burlington Public Schools and the Burlington community. The purpose of these focus groups was to provide the opportunity for any community or school member to attend and participate by sharing their views on these issues and to generate ideas for future activities. Additionally, OCR reviewed information provided by the District and others relative to these issues. The information from these various sources was used to develop the agreement which was signed by the District on June 27, 1997. No discipline-related issues were identified which require future action on the part of the District.

When fully implemented, this Agreement will resolve the issues of this review. Continued compliance is contingent upon the District's implementation of this Agreement (copy enclosed). We recognize the steps the District has already taken to address these issues and thereby enhance educational services to students. We commend the District for working to continue to improve the services it provides students. We understand that the District will work to implement this Agreement over the next several years in accordance with the agreed-upon target dates. Based on this Agreement, as of the date of this letter, OCR considers this phase of the review completed. OCR will work with the District and will monitor the District's implementation of the Agreement until it is fully implemented, at which time OCR will close this review.

Our mission is to ensure equal access to education and to promote excellence throughout the Nation.

Thank you for your cooperation and that of your staff during this review. Should you have any questions, you may contact Frederick Dow, Equal Opportunity Specialist, at (617) 223-9663 or me at (617) 223-9667.

Sincerely,

Thomas J. Hibino

Thomas J. Hibino
Regional Director

Enclosure

cc: Honorable Marc Hull
Commissioner of Education

JUN 27 5 23 PM '97

RESOLUTION AGREEMENT
PROFILE, ASSESSMENT, AND RESOLUTION REVIEW
Burlington School District, Burlington, Vermont
No. 01-97-5011

The Burlington School District (District), Burlington, Vermont, submits the following resolution agreement for preventing and remedying racial harassment to the Office for Civil Rights (OCR), U.S. Department of Education. This agreement results from a Profile, Assessment, and Resolution (PAR) review, which OCR conducted in partnership with the District in May 1997.

OCR acknowledges the steps the District has already taken to enhance educational services for all students, and commends District officials for working to continue to improve these services. Based on the joint assessment and the recommendations provided during this review, the District agrees as follows.

1. By November 1, 1997, the District will review its harassment policy and procedure, and revise as necessary, to ensure that the following concerns are addressed:

    - there are time frames for the major stages of the process;
    - the procedure is written in language that is easily understood by students and their parents;
    - it is clear that the complainant has the option of, but is not required to, confront the accused harasser;
    - a clear explanation of what will happen at the informal level is included;
    - it is clear that the complainant can report the complaint to any staff person, not just the principal;
    - there is the ability to have complaints which are more than 30 days old addressed;
    - includes an assurance that the school will take steps to correct any adverse effects of the harassment on the complainant and others; and
    - includes examples of appropriate disciplinary sanctions with a range of consequences that are designed to serve as a deterrent.

2. By May 1, 1998, the District will review, the manner in which school building officials are implementing its harassment policy and procedure . This review will include the involvement of parents and, when appropriate, students, who have participated in the

implementation of the harassment procedure. This process will be designed to ensure that:

- actions taken to remedy a complaint do not negatively impact the complainant;

- clear, consistent and accurate documentation is kept concerning the processing and outcome of complaints;

- complainants are never required to confront the accused harasser, and confrontation is not considered to be an option in cases when it is not appropriate;

- appropriate, significant and consistent consequences are administered for violations of the harassment policy; and

- complainants and their parents are provided with all legally releasable information concerning the outcome of investigations, including the consequences to the accused harasser.

3. By December 1, 1997, the District will complete an assessment of each building's training and curriculum needs with respect to diversity and race relations. The assessment should also address ways in which the District can facilitate the sharing among staff of existing materials and effective models designed to foster an inclusive, multicultural curriculum. By February 2, 1998, the District will begin to implement training and other activities in accordance with its assessment.

4. By December 1, 1997, the District will initiate on-going forums to promote dialogue among students, District staff, parents and other community members, regarding race issues with the goal of enhancing communication between all parties. These forums will gather input in a variety of areas including:

   - a complaint procedure for community and parents to voice their concerns over the actions or policies of the District;

   - the recruitment of faculty and staff who meet the needs of minority students, including students who are limited English proficient;

   - the role and responsibilities of the Diversity/ Equity Coordinator to identify issues which have been effectively addressed and those in which there are on-going concerns; and

   - the current strategic plan which addresses issues of diversity and race relations, how these issues could be made a clearer priority for the District, and, if appropriate, development of improved mechanisms for better communication regarding the District's implementation of the strategic plan.

5. By October 1, 1997, the District will develop a mechanism to provide information on an on-going basis to the community, parents, and students regarding the holding of these forums and the issues raised during them.

6.. By October 1, 1997, the District will develop and implement a plan for improving communication with families who are limited English proficient. This plan will include:

- policies and practices for the provision of school information and notices in students' primary home languages;
- policies and practices for the provision of trained translators to facilitate communication between the District and parents who are limited English proficient; and
- provision of signs in the school buildings and on school grounds in languages other than English.

REPORTING PROVISIONS

1. By December 30, 1997, the District will submit to OCR a report on the results of its review of its harassment policy and procedure in accordance with item 1 of the Agreement, including any revisions to the policy and procedure..

2. By May 25, 1998, the District will submit to OCR a report on the results of its review of the implementation of its harassment policy and procedures in accordance with item 2 of the Agreement.

3. By December 30, 1997, the District will submit to OCR a report on the results of its assessment of training needs in accordance with item 3 of the Agreement and a copy of its plan of training and other activities to address these needs.

4. By February 6, 1998, the District will submit to OCR a report on the results of its efforts to improve communications among students, District staff, parents and other community members on race issues, in accordance with item 4 of the Agreement, including a description of the specific actions taken with respect to the identified topics, as well as any other issues raised. By June 30, 1998 the District will provide a description of other areas addressed through the forums, actions taken as a result, and its assessment of the impact of these activities.

5. By October 17, 1997, the District will submit to OCR a description of the process developed in accordance with item 5 of the Agreement.

6. By December 30, 1997, the District will submit to OCR a copy of its plan for improving communication with families who are limited English proficient, in accordance with item 6 of the Agreement.

The District understands that OCR will conduct additional follow-up focus group discussions and visits as part of its monitoring and evaluation. These activities may be conducted before or subsequent to the District's reports and evaluations. Dates and times will be established that are mutually convenient and acceptable to OCR and the District, and well enough in advance to allow for timely preparation for these visits.

Donna Jemilo June 27, 1997

Donna K. Jemilo, Superintendent Date

BUILDING A LEARNING COMMUNITY

February 27, 1998

Mr. Fred Dow
U.S. Department of Education
Office for Civil Rights, Region 1
J.W. McCormack Post Office & Courthouse Bldg., Room 222
Boston, MA 02109-4557

Dear Fred,

I am writing in accordance with the reporting provisions of the PAR Resolution Agreement between the Burlington School District and the Office of Civil Rights, U.S. Department of Education. I have attached copies of various documents in support of the information provided below. I am pleased to share with you the actions undertaken by the district in addressing issues raised during the PAR review conducted last May. Please do not hesitate to call me with any questions or requests for additional information you may have.

1. **District review of its harassment policy and procedure.** The district conducted an extensive review of its harassment policy and procedures that has included significant revisions in the procedures to accommodate the concerns cited in the resolution agreement. Draft copies of the procedure have been circulated to district administrative staff for further review and comment with a particular interest in seeing that the procedures will have realistic time frames, readily understood language for parents and students, and clear assurances that steps will be taken to correct any adverse effects of the harassment on the complainant. A copy of the draft complaint procedures are attached. I will be meeting with the superintendent, the district's legal counsel, and the district's diversity/ equity coordinator to finalize these procedures. You will note in these draft procedures provisions that offer the complainant the option but not a requirement that he/she confront the accused harasser; clear explanations of what will happen at the informal level; a variety of school officials other than the principal to report a complaint to; and, the ability to file a complaint that is more than 30 days old.

150 COLCHESTER AVENUE, BURLINGTON, VERMONT 05401 (802) 864-8461 FAX 864-8501

DONNA K. JEMILO, ED.D. SUPERINTENDENT OF SCHOOLS JAMES R. WARNOCK, ASSISTANT SUPERINTENDENT

2. **District review of the implementation of its harassment policy and procedure.** This will be reported per the resolution agreement's report date of May 25, 1998.

3. **District assessment of each building's training needs.** As indicated in my November 10, 1997 letter, this assessment is a primary responsibility of the district's recently hired diversity/equity coordinator Bonnie Johnson-Aten. Since her appointment on December 1, 1997, she has worked extensively with individual school principals, staff, students and parents to begin identifying individual building training needs and potential activities, programs and trainings to meet those needs. Bonnie has also been addressing ways in which the district can facilitate sharing among staff of existing materials and effective models. This has been approached in part through a district-wide training session for all elementary staff which also encouraged peer connections to be made. Similar trainings at the middle and high school levels have also been conducted. Bonnie meets with the central office administrative staff frequently in regularly scheduled meetings to insure good communication and support for her work. Attached is a report to date of the initial training and curriculum needs assessment of individual schools in the district. Within the next month Bonnie will have completed an assessment for Smith and Hunt schools as well.

4. **District efforts to improve communication among students, district staff, parents and other community members through initiation of ongoing forums.** Attached is a document outlining work completed to date by the diversity/equity coordinator. Forums have been conducted through a special dialogue night on diversity for parents and students, at ALANA and REAP (Race Education and Action Project) meetings, as well as with the FACE UP group. I will also be meeting at the April 8 REAP meeting to discuss district recruitment plans for candidates of color and to share openings with the local community and network. The district is also working closely with the University of Vermont and beginning fund raising for support of the Coming Home project. This project provides loan relief for qualified local minority students who complete UVM's teacher training program and are hired to teach in the Burlington district. In conjunction with assessing the implementation of the district's harassment policy and procedures, additional forums and communication with parent groups will be conducted.

5. **District development of a mechanism to inform community, parents and students about forums.** Information is disseminated in a number of ways regarding forums and other activities regarding diversity. School newsletters, the student newspaper at BHS and flyers have been effective in getting out the word. The district will be hiring a part-time public relations coordinator who will be of service in generating additional ideas and means by which this information can be communicated. I will be reporting further on these efforts later this spring.

6. **District development and implementation of a plan to improve communication with families who are limited English proficient.** The district plan builds on past practice in utilizing interpretative services to meet a variety of communication needs with families that are limited English proficient. In addition, part-time home/school liaisons for each of the district's two largest ESL student groups (Vietnamese and Bosnian) have been hired with grant support to assist in improving communication with these families. All major district communications to parents from policies to notices about head lice have been provided in translation to limited English proficient families. The annual district calendar has also been translated as well. With the recent advent of additional limited English proficient students into the district, the board has approved the addition of another full-time ESL teacher for this current school year. Signs in both Vietnamese and Bosnian are being developed for installation at Burlington High School where the largest group of ESL students are in attendance. We expect this installation to be completed by early spring. All of these actions will be pulled together into a more formalized plan that will be forwarded to you with artifacts upon its completion this spring.

I look forward to hearing from you and would be more than pleased to arrange for a visit from you or your staff should you so desire. Take care and give my best to Carolyn and Robert.

Sincerely,

James Warnock

c.c: Dr. Donna Jemilo, Superintendent
Carol Ode, Board Chair
Bonnie Johnson-Aten, Diversity/Equity Coordinator
Susan Gilfillan, McNeil, Leddy and Sheahan
file ✓

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